IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.673 of 2026

CNR No. BRHC010163042026

Arising Out of PS. Case No.-23 Year-2023 Thana- SC/ST District- Sheikhpura

==========

1. Kamal Shah S/o Amzad Shah Resident of Vill- Hussainabad, P.S- Ariyari, Distt.- Sheikhpura
2. Saddam Shah @ Md. Saddam Shah S/o Kamal Shah Resident of Vill- Hussainabad, P.S- Ariyari, Distt.- Sheikhpura
3. Monu Shah @ Manir Shah S/o Kamal Shah Resident of Vill- Hussainabad, P.S- Ariyari, Distt.- Sheikhpura
4. Aamna Khatoon W/o Kamal Shah Resident of Vill- Hussainabad, P.S- Ariyari, Distt.- Sheikhpura
5. Moni Khatoon @ Rani Khatoon D/o Kamal Shah Resident of Vill- Hussainabad, P.S- Ariyari, Distt.- Sheikhpura

... ... Appellant/s

Versus

1. The State of Bihar
2. Guddu Dhobhi S/o Maro Rajak Resident of Vill- Hussainabad, P.S- Ariyari, Distt.- Sheikhpura

... ... Respondent/s

==========

Appearance :
For the Appellant/s : Mr. Rabindra Prasad Singh, Adv.
For the Respondent/s : Mr. Chandra Bhushan Prasad, APP

==========

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 27-10-2026 1. Heard learned counsel for the appellants, learned APP Mr. Chandra Bhushan Prasad for the State and the learned counsel appearing on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide

WEB COPY

order dated 20.05.2025 in ABP No.317 of 2025, passed by the learned District and Additional Sessions Judge-cum Special Judge, S.C./S.T. (POA) Act, Sheikhpura in connection with Sheikhpura SC/ST P.S. Case No.23 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 379, 354(B), 504 and 506 of the IPC as well as Sections 3(i)(x)(r)(s) of the SC/ST Act.

3. In view of the grounds taken in the limitation application, delay of 177 days in filing the appeal is condoned, as such I.A. No.1 of 2026 is allowed.

4. Learned counsel for the appellants submits that appellant no.1 has antecedent of one case and rest of the appellants are persons with clean antecedent and appellant no.4 and 5 are women and the informant alleges that on trivial issue of throwing garbage, accused persons abused and assaulted him.

5. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that appellants and informant are neighbour and on a trivial dispute of throwing garbage, an altercation had taken place in which both side assaulted each other. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of assault

WEB COPY

and abuse is general and omnibus in nature.

6. Learned APP for the State and the learned counsel appearing on behalf of the informant opposes the appeal but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellants that allegation of abuse and assault is general and omnibus in nature.

7. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly, the impugned order is set aside and the appeal stands allowed.

(Satyavrat Verma, J)

amit/-

U		T	

WEB COPY