IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.768 of 2026

CNR No. BRHC010186002026

Arising Out of PS. Case No.-72 Year-2025 Thana- SC/ST District- Madhubani

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1. Brijesh Mukhiya @ Bijesh Mukhiya S/o Devendra Mukhiya R/o vill - Pilakhawar, P.S.- Rajnagar, Distt.- Madhubani
2. Mahadev Mukhiya S/o Late Mithuthu Mukhiya @ Mithu Mukhiya R/o vill - Pilakhawar, P.S.- Rajnagar, Distt.- Madhubani

... ... Appellant/s

Versus

1. The State of Bihar
2. Ramlal Paswan S/o Late Mansukh Paswan R/o vill - Pilakhawar, P.S.- Rajnagar, Distt.- Madhubani

... ... Respondent/s

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Appearance :
For the Appellants : Mr. Bhavesh Kumar Sah, Advocate
Mr. Sumit Kumar Singh, Advocate
Mr. Ravi Rausan, Advocate
For the State : Mr. Sadanand Paswan, Spl.PP
For the Informant : Mr. Shailendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 29-10-2026 Heard learned counsel appearing for the appellants, learned Special Public Prosecutor appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2.

2. This appeal has been filed for setting aside order dated 27.11.2025 passed in a case registered for the offence punishable under Sections 126, 115(2), 117, 109, 76, 326(f), 352, 351(2) and 3(5) of the B.N.S. and Sections 3(i)(r), 3(i)(s)(wi)(f) and 3(2)(v) of the Scheduled Castes and Scheduled

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Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

3. The prosecution case, in brief, is that on 03.09.2025 at about 5 PM, on account of dispute over agricultural field, these appellants entered the agricultural field of informant, damaged paddy crop worth Rs. 9,000/-, assaulted informant and his family members, abused them with caste based slurs and threatened them of dire consequences.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, on the alleged date and time of occurrence, some goats belonging to the appellants strayed in the field of the informant and damaged the crops which led to simple altercation between the parties and taking advantage of the situation, this false and concocted case has been lodged. Allegation of assault is general and omnibus and no specific accusation of overt act has been levelled against these appellants. The present F.I.R. has been lodged after inordinate delay of 15 days and there is no plausible explanation for the same which itself makes the entire prosecution case doubtful. It is further submitted that it is not the case of the prosecution that any member of public was present at the place

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of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

5. Learned Spl. P.P. appearing for the respondent-State and learned counsel appearing for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 27.11.2025 passed by the learned District and Additional Sessions Judge-1st-cum-Special Judge, Madhubani in connection with A.B.P. No. 2169 of 2025 arising out of SC/ST P.S. Case No. 72 of 2025 is hereby set aside with respect to these appellants.

7. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-1st-cum-Special Judge, Madhubani in connection with SC/ST P.S. Case No. 72

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of 2025.

(Prabhat Kumar Singh, J)

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