

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1099 of 2025

Arising Out of PS. Case No.-325 Year-2023 Thana- JAYNAGAR District- Madhubani

Shiv Kumar Singh S/O Abhilal Singh @ Utam Lal Singh R/O Village- Kasma
Marar, P.S- Khajauli, Distt.- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anjali kumari D/O Shankar Paswan R/O Village- Selra, P.S- Jaynagar,
Distt.- Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Ms.Kumari Pallavi, Advocate
For the Respondent/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 12-03-2026 Heard the parties.

2. This appeal is preferred against the order dated 27.01.2025 passed by the learned A.D.J. 1st -cum-Special Judge, Madhubani in connection with Jaynagar P.S. Case No. 325 of 2023 registered for the offence under Sections 448, 341, 323, 354(b), 504, 506/34 of the I.P.C. and Section 27 of the Arms Act and under section 3 (1)(2) (s), 3(2)(va) of S.C/S.T. Act by which anticipatory bail filed by the appellant has been rejected.

3. As per the prosecution case, while the informant was in her house, several accused persons are said to have entered the house of the informant with an intent to assault her and have abused her by caste name.



4. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the occurrence has taken place because the accused persons suspected the informant's husband had made their car caught by the police along with liquor and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State has opposed the prayer of the appellant.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears that for a dispute between her husband and the accused persons, the occurrence has taken place and therefore, this application for grant of anticipatory bail is held to be maintainable.

7. Considering the facts of the case and the rival submissions of the parties as well as the fact the appellant was not involved in the occurrence and he was only sitting in the car and has not done any criminal act, this appeal is allowed and accordingly, the order dated 27.01.2025 passed by the learned A.D.J. 1st -cum-Special Judge, Madhubani in connection with



Jaynagar P.S. Case No. 325 of 2023, is hereby set aside.

8. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. 1st -cum-Special Judge, Madhubani /concerned Court below in connection with Jaynagar P.S. Case No. 325 of 2023, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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