

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1134 of 2026

Arising Out of PS. Case No.-91 Year-2025 Thana- SC/ST District- Madhubani

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1. Shekh Md. Ali Akbar @ Md. Akbar @ Sk. Md. Ali Akbar Son of Shekh Abdul Gaffar @ Shekh Ali Akbar
 2. Sahani Khatoon @ Najmun Nisha @ Washan Nima wife of Shekh Md. Ali Akbar @ Md. Akbar
 3. Shekh Md. Moti Alam @ Moti Alam @ Md. Moti son of Shekh Md. Ali Akbar @ Md. Akbar
 4. Shekha Saddam @ Md. Salam @ SK. Saddam son of Shekh Md. Ali Akbar @ Md. Akbar
- All are R/o village - Pali ,P.s- Benipatti ,District - Madhubani

... .. Appellants

Versus

1. The State of Bihar
2. Lalita Devi Wife of Parmeshwar Ram R/o village - Pali ,P.s- Benipatti ,District - Madhubani

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Ravi Prakash, Advocate
	:	Mr. Gagan Deo Yadav, Advocate
	:	Mr. Vinod Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-07-2026 Heard learned counsel appearing for the appellants

and learned Special Public Prosecutor for the State.

2. All above-named appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') for setting aside the impugned order dated 10.02.2026 passed by the learned District and Additional Sessions Judge- 1st-cum-Special Judge, SC/ST, Madhubani in connection with SC/ST P.S. Case No.91 of 2025.



3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Accused/appellants are named in the FIR and apprehending their arrest in connection with SC/ST P.S. Case No.91 of 2025 registered for the offences punishable under Sections 126, 115(2), 76, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'B.N.S.') as well as Sections 3(i) (r) (wi) and 3(2) (va) of the SC/ST Act.

5. As per FIR, informant being a ward panch of Gram Kachahri ward no.4 received complaint from some villagers on 21.09.2025, that their she goats were confined by appellant's family. Informant in the capacity of ward panch went there and asked him to release the she-goat but instead to do so, she was assaulted and abused in her caste name by appellants. The allegations of outraging modesty is also available. It is also alleged that she was abused and assaulted again on 17.11.2025 in connections with aforesaid occurrence.

6. It is submitted by learned counsel appearing for the appellants that for the occurrence dated 21.09.2025, the FIR was lodged on 02.12.2025 i.e., almost after two and half months without having any just explanations. It is pointed out



that due to political differences, the present false case was lodged as an after thought. It is further submitted that in a very planned manner entire family as husband, wife and both son were implicated with present crime in question. It is further submitted that abuse in caste name *prima facie* not appears to be made in public view. All appellants claimed clean antecedent.

7. Learned Spl. PP opposes the prayer of bail.

8. Learned counsel appearing for the informant, fairly conceded that it was the informant who visited the house of the appellants.

9. In view of aforesaid factual submissions and by taking note of fact, as *prima facie* the informant herself appears aggressors, coupled with the fact that the allegations of abuse and assault appearing very much general and omnibus in nature, where caste abuse *prime facie* not appears to be made in public view, accordingly, all appellants, above-named, in the event of their arrest or surrender before the court below within a period of four weeks from today, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to



the satisfaction of the learned District and Additional Sessions Judge-1st-cum- Special Judge, SC/ST, Madhubani in connection with SC/ST P.S. Case No.91 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS').

10. Accordingly, the impugned order dated 10.02.2026 as passed by learned District and Additiional Sessions Judge-1st-cum-Special Judge, SC/ST, Madhubani is set aside.

11. The appeal stands allowed.

(Chandra Shekhar Jha, J.)

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