

Arising Out of PS. Case No.-17 Year-2026 Thana- KATIHAR NAGAR District- Katihar

- Appellant/s

1. The State of Bihar
2. Sanjay Paswan Son of Vishwabhar Paswan Resident of Village-Hirdayganj Ward No. 06, P.S. Sahayak, District-Katihar

... .. Respondent/s

For the Appellant/s : Mr.Bimal Kumar
For the Respondent/s : Ms.Usha Kumari 1
Mr.Praveen Kumar

2 18-04-2026 1. Heard learned counsel for the appellants, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.

2. The learned counsel for the appellants seeks permission to withdraw the instant appeal with respect to appellant no.3, Jitendra Kumar @ Jitendra Sharma and appellant no.4, Srijal Kumar, who were arrested.

3. Permission is accorded.



4. Accordingly, instant petition is dismissed as withdrawn with respect to appellant no.3, Jitendra Kumar @ Jitendra Sharma and appellant no.4, Srijal Kumar.

5. The appellants no.1, 2 and 5 have challenged the order dated 23.02.2026 passed by the learned District and Additional Sessions Judge-1-cum-Special Judge, SC/ST (POA) Act, Katihar in connection with ABA No.07 of 2026 arising out of Katihar Town (Sahayak) P. S. Case No.17 of 2026, instituted for the offences under Sections 126(2), 115(2), 127(2), 118(1), 109(1), 303(2), 352, 351(2), 351(3), 3(5), 117(2) of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

6. The learned counsel appearing on behalf of the appellants submits that appellant nos.1 and 5 are persons with clean antecedent and appellant no.2 has antecedent of one case and are women. It is next submitted that informant alleges that on 12.01.2026 at 2.00 P.M., he had gone to see the measurement of the land of Saryug Sharma when the accused persons including the appellants intercepted and abused him by taking caste name, thereafter Jitendra caught the collar of the informant



and started assaulting, thereafter Pinki Devi assaulted the informant by dabiya causing injury on head. Further, Jitendra assaulted him by an iron rod causing injury on head, thereafter Pinki, Srijal Kumar and Siddhu Kumar also assaulted the informant with fist and leg and Pinki snatched gold chain of the informant while Jitendra Sharma snatched Rs.2,000/-.

7. The learned counsel appearing on behalf of the appellants submits that side of the appellants are having dispute with Saryug Sharma, who is own brother Jitendra Sharma and informant is a land broker and Saryug Sharma had contacted the informant for selling the land when parties are in jointness. It is further submitted that on the date of measurement, an altercation took place, when both sides assaulted each other. It is also submitted that informant being stranger to the family was present when the measurement was being done of the land in dispute, his presence at the place of occurrence amply demonstrates his interest in the property. It is further submitted that an altercation took place in between Jitendra and Saryug and both sides assaulted each other. It is also submitted that informant might have got assaulted in the occurrence from the side of Saryug Sharma, but then, he took the same as an opportunity to implicate the side of the appellants including



female members. It is also submitted that female members of the family have been implicated only with a view to coerce the male members into submission.

8. The learned Special P.P. as well as 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 submission of the learned counsel appearing on behalf of the appellants that Jitendra and Saryug are brothers and are having dispute relating to land and informant is a land broker whose presence at the time of measurement was not required.

9. Regard being had to the aforesaid submissions, the order dated 23.02.2026 is set-aside.

10. The appeal stands allowed.

11. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-1-cum-Special Judge, SC/ST (POA) Act, Katihar in connection with ABA No.07 of 2026 arising out of Katihar



Town (Sahayak) P. S. Case No.17 of 2026, subject to the
conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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