

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2661 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- SC/ST District- Saran

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1. Paan Mohammad @ Pan Mahmad @ Paan Mahmmad S/o- Late Rasul Miyan Village- Baghakol Ps- Maker Dist- Saran at Chapra
 2. Md. Mofid @ Md. Md. Mofid Raja @ Md. Modid @ Mofid Miyan S/o- Paan Mohammad @ Pan Mahmad @ Paan Mahmmad Village- Baghakol Ps- Maker Dist- Saran at Chapra
 3. Salma Khatoon W/o- Md. Mofid @ Md. Mofid Raja @ Md. Modid @ Mofid Miyan Village- Baghakol Ps- Maker Dist- Saran at Chapra
 4. Hamidullah @ Md. Babu Raja S/o- Paan Mohammad @ Pan Mohmad @ Paan Mahmmad Village- Baghakol Ps- Maker Dist- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Pramila Devi W/o- Sheshnath Manjhi Village- Baghakol Ps- Maker Dist- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 29-07-2026 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State, Mr. Binay Krishna and the learned counsel appearing on behalf of the informant, the defects as pointed out by the office is ignored.
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 order dated 06.06.2025 passed by the learned 1st Additional Sessions Judge-cum-Special



Judge S.C./S.T. (POA) Act, Saran in connection with Saran SC/ST P.S. Case No. 38 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 109, 303(2), 352, 3(5) of the BNS as well as Sections 3(1)(r)(s)(w) and 3(2) (va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that the appellants are person with clean antecedent and appellant no. 3 is a woman and the informant alleges that she was getting construction done on her land on 20.12.2024 at 10:00 AM when accused persons including the appellants came and started abusing by taking caste name, on objection, Md. Jukru caught her while Md. Mofid assaulted by rod causing injury on head and Hamidullah acted inappropriately while Salma snatched her chain, further her husband Seshnath came to save her when Md. Jaan assaulted him by *lathi* and bricks causing injury on head and accused even assaulted her daughter.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant on account of dispute relating to land, it is further submitted that Md. Jikrullah is son of appellant No. 1 and had purchased two plots of land by sale deed dated 28.11.2024 (Annexure-2) and 02.12.2024 (Annexure-3) from Om Prakash and Jai Prakash as detailed in Para 7 and 8 of the appeal, the husband of the informant being brother of vendor of the land is creating



disturbance, it is next submitted that since Jikrullah had purchased the land from Om Prakash and Jai Prakash who are brothers of the husband of the informant, as such, the said transaction was being objected by the husband of the informant, hence an altercation took place in which both sides assaulted each other, it is also submitted that appellant No. 1 is a senior citizen aged about 75 years and there is no specific allegation alleged against him, it is next submitted that even allegation of abuse is general and omnibus in nature and it does not appear probable that all accused in one go would have abused the informant and her husband by taking caste name, it is also submitted that even injury suffered by the injured has been opined to be simple in nature and the blow is not alleged to have been repeated, it is also submitted that the allegation is to be appreciated in backdrop of a land dispute.

5. Learned Special P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellants.

6. In view of the submissions made by the learned counsel for the appellants, the order dated 06.06.2025 is hereby set aside and the appellant 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 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 Saran SC/ST P.S. Case No. 38 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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