

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2935 of 2025

Arising Out of PS. Case No.-53 Year-2025 Thana- CHORAUT District- Sitamarhi

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1. Pushpa Devi, W/o- Sudhir Mishra Village- Yadupatti, PS-Choraut, District- Sitamarhi
 2. Anurag Kumar @ Shashikant Kumar, S/o- Sudhir Mishra, Village- Yadupatti PS-Choraut, District- Sitamarhi

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi, D/o- Mohit Paswan Village- Parsa, P.S.- Harlakhi, Dist.- Madhubani, P/A- Village- Yadupatti, PS-Choraut, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Hari Kishore Thakur, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P
		Mr. Birendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 01-04-2026 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

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 07.07.2025 in A.B.P. No. 43 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/ST



(POA) Act, Sitamarhi in connection with Choraut P.S. Case No. 53 of 2025 registered under Sections 126(2), 115(2), 109, 117(1), 118(2), 76, 352, 351(2), 3(5) of the B.N.S. as well as Sections 3(1)(r)(s)(w)(i) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that appellant no. 1 has antecedent of one case and appellant no. 2 is a person with clean antecedent and the informant alleges that she performed inter-caste marriage with Gopal, further at 9.00 pm she was going to her rented premises then six named accused persons including the appellants acted inappropriately with her and tore her sari and abused by taking caste name, further when people of her caste came to save her, accused persons assaulted them by farsa and knife causing injury to Anil, Tej Narayan and Sangita.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that appellant no. 1 is cousin sister of Gopal and appellant no. 2 is maternal nephew of Gopal. It is further submitted that a dispute in between the family of the appellant and Gopal is brewing which led to the institution of the instant false case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the



allegation of assault and abuse is general and omnibus in nature i.e. no specific allegation of abuse and assault is made against the appellants. It is next submitted no doubt persons from the side of the informant received injury but then as submitted allegation of assault is not specific and on account of dispute in between the family members of Gopal and the appellant no. 1, the instant false case has been instituted.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the informant opposed the appeal but then are not in a position to rebut the submission of the learned counsel for the appellants that appellant no. 1 is cousin sister of Gopal and allegation of assault and abuse is general and omnibus in nature.

6. Considering the submissions, let the appellants, above named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.



7. Accordingly, the impugned order is set aside and
this appeal stands allowed.

(Satyavrat Verma, J)

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