

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3932 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- SC/ST District- Araria

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1. Md. Sadique Son of Md. Arif @ Arif R/o Village- Gurmi, Guramni, P.S - Simraha, District - Araria
 2. Jawed @ Md. Jabid S/o Tauheed R/o Village- Gurmi, Guramni, P.S - Simraha, District - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Rishideo S/o Late Revati Rishideo R/o Village- Devpura, W. No. - 12, P.S - Simraha, District - Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md Naushaduzzoha, Advocate
For the State	:	Ms. Usha Kumari No. 1, Spl.P.P.
For the Informant	:	Mr. Kumar Uday Bhanu Roy, Advocate
		Mr. Ankit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 22-01-2026 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of 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 10.07.2024 in A.B.P. No. 1279 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Araria SC/ST P.S. Case No. 15 of 2024 registered under Sections 341, 323, 324, 308, 504, 506,



379 and 34 of the Indian Penal Code as well as Sections 3(i)(r) (s) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants have antecedent of two cases and the informant alleges that on 16.04.2024, at 12:30 p.m., the accused persons were forcefully creating passage on the land of his employer and on objection the accused persons abused him by taking caste name and assaulted by fists. Further, the accused assaulted him causing injury on his head thereafter Sadique assaulted Fahim by farsa causing injury on his head and ear and Javed took Rs.2,000/- from the pocket of Julker.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that informant is an employee of Fahim and Fahim got the case instituted through the informant under the SC/ST Act. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault or abuse is alleged against any of the appellants with regard to the informant but then informant falsely alleges that Sadique assaulted Fahim causing injury on head and ear. It is also submitted that even the injury report was manipulated and the Doctors opined the injury of



Fahim to be grievous but then an application was filed before the authority competent in pursuance whereof a Medical Board was constituted and the Medical Board came to a considered conclusion that the injury suffered by Fahim is not grievous but simple. It is submitted that even Fahim instituted Simraha P.S. Case No. 20 of 2024 annexed as Annexure-2 to the memo of appeal and from perusal of the same, it would manifest that Fahim has alleged that all accused persons assaulted him but in the instant FIR, the informant alleges that it was Sadique who assaulted Fahim which belies the allegation of assault by Sadique.

5. Learned Special Public Prosecutor and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the appellants but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submissions of the learned counsel appearing on behalf of the appellants that Fahim also instituted an FIR wherein he has not alleged that it was Sadique who assaulted him.

6. After hearing the learned counsel for the parties, let the appellants, above named, in the event of their arrest or surrender before the learned Trial Court 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 Code of Criminal Procedure/482(2) of the BNSS.

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

(Satyavrat Verma, J)

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