

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3353 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- Vasudeva District- Buxar

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1. Shiv Narayan Sah S/o Late Kanhaiya Sah R/o vill - Amirpur, P.S.- Basudeva, Distt. - Buxar
 2. Shambhu Sah S/o Shiv Narayan Sah R/o vill - Amirpur, P.S.- Basudeva, Distt. - Buxar
 3. Rambhu Sah S/o Shiv Narayan Sah R/o vill - Amirpur, P.S.- Basudeva, Distt. - Buxar
 4. Sanichari Devi W/o Shiv Narayan Sah R/o vill - Amirpur, P.S.- Basudeva, Distt. - Buxar
 5. Rinki Devi W/o Rambhu Sah R/o vill - Amirpur, P.S.- Basudeva, Distt. - Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Asha Devi W/o Sunil Ram R/o vill - Amirpur, P.S.- Basudeva, Distt.- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dr. Kamal Deo Sharma, Adv.
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.P.P.
For the informant	:	Mr. Rabindra Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 23-02-2026 Heard Mr. Dr. Kamal Deo Sharma, learned counsel

for the appellant and Mr. Rabindra Kumar representing the

informant besides learned Spl.P.P.

2. This appeal has been filed for setting aside the order dated 29.07.2025 passed in A.B.P. No. 877 of 2025 by the Id. District & Additional Sessions Judge-1st-cum-Special Judge, SC/St (P.O.A.) Act, Buxar arising out of Basudeva P.S. Case No. 51 of 2025 registered for the offence punishable under sections 109, 115(2), 126(2), 352, 351(2), 76, 3(5) of the BNS, 2023 and



u/s 3(1)(r), (s), (w) and 3(2)(va) of the SC/ST (P.O.A.) Act whereby the prayer for anticipatory bail of the appellant has been rejected.

3. At the outset, learned counsel for the appellants submit that so far as the appellant no. 1, Shiv Narayan Sah is concerned, he may be permitted to withdraw the prayer relating to his bail.

4. Accordingly, the appeal against Shiv Narayan Sah stands dismissed as withdrawn.

5. As per the prosecution story, the informant alleged that the appellants came to the door and after abuse, the assault. Appellant no. 1 gave blow on the head causing injury whereafter appellant nos. 2 and 3 also assaulted on the body, at the behest of appellant no. 4, appellant no. 2 tried to outrage the modesty of the lady. This led to the FIR.

6. Learned counsel for the appellants submit that exaggerated FIR is there, there was a dispute and an altercation took place but now, the FIR. Two of the appellants are ladies and none have criminal antecedent. The further submission is that the cognizance has not been taken in the matter and the utterances have not been made before the public.

7. Learned counsel for the informant, on the other



hand, opposes the prayer submitting that firstly, appellant no. 1, Shiv Narayan Sah gave blow on the head which followed the assault by other persons.

8. Considering the submissions of the parties as also that for appellant no. 1, prayer has already been dismissed as withdrawn. So far as others are concerned, two of them are ladies, none have criminal antecedent and injuries have been found to be simple in nature, in that background, this Court is inclined to grant the appellant nos. 2 to 5, (Shambhu Sah, Rambhu Sah, Sanichari Devi and Rinki Devi respectively) the anticipatory bail with conditions.

7. The impugned order dated 29.07.2025 passed in A.B.P. No. 877 of 2025 arising out of Basudeva P.S. Case No. 51 of 2025 by the Id. District & Additional Sessions Judge-1st-cum-Special Judge, SC/St (P.O.A.) Act, Buxar stands set aside and the appeal is allowed.

8. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-1st-cum-Special



Judge, SC/St (P.O.A.) Act, Buxar in connection with A.B.P. No. 877 of 2025 arising out of Basudeva P.S. Case No. 51 of 2025.

(i) one of the bailor should be the family members/relatives of the appellant nos. 2 to 5, (Shambhu Sah, Rambhu Sah, Sanichari Devi and Rinki Devi respectively), who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the appellant nos. 2 to 5, (Shambhu Sah, Rambhu Sah, Sanichari Devi and Rinki Devi respectively) shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the appellant nos. 2 to 5, (Shambhu Sah, Rambhu Sah, Sanichari Devi and Rinki Devi respectively) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the appellant nos. 2 to 5, (Shambhu Sah, Rambhu Sah, Sanichari Devi and Rinki Devi respectively) shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



9. However, if the appellant no. 1, Shiv Narayan Sah surrenders within four weeks from today, the Court concerned shall take up the matter and dispose it of preferably on the same day.

(Rajiv Roy, J)

Vijay Singh/-

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