

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3425 of 2025

Arising Out of PS. Case No.-175 Year-2023 Thana- CHANDRADIP District- Jamui

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1. Sagir Mian @ Md. Sagir @ Sagir S/o Faku Mian Resident Of Village- Sahkeda, Ps- Chandradeep, Dist- Jamui
 2. Md. Salik @ Salik Mian @ Md Shali Kudin S/o Faku Mian Resident Of Village- Sahkeda, Ps- Chandradeep, Dist- Jamui
 3. Md. Sadaruddin @ Sairuddin @ Md. Sahaduddin @ Md. Sahrudin S/o Faku Mian Resident Of Village- Sahkeda, Ps- Chandradeep, Dist- Jamui
- Appellant/s

Versus

1. The State of Bihar
 2. Makeswar Paswan S/o Late Mohan Paswan R/o vill - Sahoda, P.S.- Chandradeep, Distt.- Jamui
- Respondent/s

with

CRIMINAL APPEAL (SJ) No. 3453 of 2025

Arising Out of PS. Case No.-175 Year-2023 Thana- CHANDRADIP District- Jamui

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1. Md. Sabir @ Md. Sarik S/o Md. Salik @ Salik Mian @ Md Shalikudin Resident of Village- Sahkeda, P.S.- Chandradeep, Dist- Jamui
 2. Md. Jamal @ Md. Jalal S/o Md. Sadaruddin @ Sairuddin Resident of Village- Sahkeda, P.S.- Chandradeep, Dist- Jamui
- Appellant/s

Versus

1. The State of Bihar
 2. Makeswar Paswan S/o Mohan Paswan R/o Vill- Sahoda, P.S.- Chandradeep, Distt- Jamui
- Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3425 of 2025)

For the Appellant/s : Mr. Sarfraz Akhtar

For the Respondent/s : Mr. Sadanand Paswan

(In CRIMINAL APPEAL (SJ) No. 3453 of 2025)

For the Appellant/s : Mr. Sarfraz Akhtar

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 16-04-2026

Cr. Appeal (SJ) No.3425 of 2025

1. Heard the learned counsel for the appellants and the



learned Special P.P. Mr. Sadanand Paswan for the State. No one appears on behalf of the respondent no.2.

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 17.02.2025 in A.B.P. No. 2230/2024, passed by the learned 1st Additional Sessions Judge, Jamui in connection with Chandradeep P.S. Case No.175/2023, registered for the offences punishable under Sections 323, 147, 341, 379, 504, 506, 34 of the Indian Penal Code as well as Sections 3(1)(x), 3(1)(v), 3(r) (s) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent. It is next submitted that respondent no.2 despite receiving notice chooses not to appear and contest. It is next submitted that informant alleges that he along with his family members were in the house when accused persons including the appellants came at 8 P.M. on 24.07.2023 and started abusing, on protest all the accused abused by taking caste name and said to vacate the house or they will be killed, thereafter Sagir and Salik started assaulting while Sadruddin dashed Sunita on ground and Amol with Sadish



assaulted the informant by fist and took out Rs.2000/-, further reason for the occurrence is land dispute in between the parties.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the entire occurrence took place at the house of the informant, thus was not in public view. It is also submitted that informant himself alleges that the occurrence took place on account of dispute in between the parties relating to land. It is also submitted that the allegation of abuse is general and omnibus in nature as it does not appear probable that all accused in one-go would have started abusing the informant. It is next submitted that even allegation of assault is not specific and this perhaps explains why the informant despite receiving notice chooses not to appear and contest.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

6. After hearing the learned counsel for the parties, the order impugned is set aside. 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 bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below 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.

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

Cr. Appeal (SJ) No.3453 of 2025

1. Heard the learned counsel for the appellants and the learned Special P.P. Mr. Sadanand Paswan for the State. No one appears on behalf of the respondent no.2.

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 17.02.2025 in A.B.P. No. 15/2025, passed by the learned 1st Additional Sessions Judge, Jamui in connection with Chandradeep P.S. Case No.175/2023, registered for the offences punishable under Sections 323, 147, 341, 379, 504, 506, 34 of the Indian Penal Code as well as Sections 3(1)(x), 3(1)(v), 3(r) (s) of the SC/ST Act.



3. Learned counsel for the appellants submits that appellants are persons with clean antecedent. It is next submitted that respondent no.2 despite receiving notice chooses not to appear and contest. It is next submitted that informant alleges that he along with his family members were in the house when accused persons including the appellants came at 8 P.M. on 24.07.2023 and started abusing, on protest all the accused abused by taking caste name and said to vacate the house or they will be killed, thereafter Sagir and Salik started assaulting while Sadruddin dashed Sunita on ground and Amol with Sadish assaulted the informant by fist and took out Rs.2000/-, further reason for the occurrence is land dispute in between the parties.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the entire occurrence took place at the house of the informant, thus was not in public view. It is also submitted that informant himself alleges that the occurrence took place on account of dispute in between the parties relating to land. It is also submitted that the allegation of abuse is general and omnibus in nature as it does not appear probable that all accused in one-go would have



started abusing the informant. It is next submitted that even allegation of assault is not specific and this perhaps explains why the informant despite receiving notice chooses not to appear and contest.

5. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

6. After hearing the learned counsel for the parties, the order impugned is set aside. 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 bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below 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.

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

(Satyavrat Verma, J)

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