

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3468 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- SC/ST District- Araria

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1. JAI RAM SHARMA @ JAYRA SHARMA S/O LATE SUBODH LAL SHARMA RESIDENT OF VILLAGE- ACHRA, WARD NO 08, PS- FULKAHA, DISTRICT- ARARIA
 2. SUMAN SHARMA S/O JAYRAM SHARMA @ JAYRA SHARMA RESIDENT OF VILLAGE- ACHRA, WARD NO 08, PS- FULKAHA, DISTRICT- ARARIA
 3. JIVAN SHARMA S/O JAYRAM SHARMA @ JAYRA SHARMA RESIDENT OF VILLAGE- ACHRA, WARD NO 08, PS- FULKAHA, DISTRICT- ARARIA
 4. SULOCHANA DEVI W/O JAYRAM SHARMA @ JAYRA SHARMA RESIDENT OF VILLAGE- ACHRA, WARD NO 08, PS- FULKAHA, DISTRICT- ARARIA
 5. USHA DEVI W/O SUMAN SHARMA RESIDENT OF VILLAGE- ACHRA, WARD NO 08, PS- FULKAHA, DISTRICT- ARARIA
 6. SANJU DEVI W/O JIVAN SHARMA RESIDENT OF VILLAGE- ACHRA, WARD NO 08, PS- FULKAHA, DISTRICT- ARARIA
 7. SONI DEVI @ SONI KUMARI W/O PANKAJ SHARMA @ PANKAJ KUMAR SHARMA RESIDENT OF VILLAGE- ACHRA, WARD NO 08, PS- FULKAHA, DISTRICT- ARARIA
 8. PANKAJ SHARMA @ PANKAJ KUMAR SHARMA S/O JAYRAM SHARMA @ JAYRA SHARMA RESIDENT OF VILLAGE- ACHRA, WARD NO 08, PS- FULKAHA, DISTRICT- ARARIA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. GUDDI DEVI W/O DEEPAK RAM RESIDENT OF VILLAGE- ACHRA, WARD NO 09, PS- FULKAHA, DISTRICT- ARARIA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Gopal Kumar Jha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Special PP
For the Informant	:	Mr. Jamaluddin Ahmad Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-04-2026 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.

2. The learned counsel appearing on behalf of the appellants, after some arguments, seeks permission to withdraw the appeal with respect to appellant nos. 3 and 8 Jivan Sharma and Pankaj Sharma respectively, with liberty to surrender and seek regular bail.

3. Permission is accorded.

4. 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 08.07.2025 in A.B.P. No. 1221 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Araria SC/ST P.S. Case No. 21 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 352, 351(2), 117(2), 74, 303(2) and 3(5) of the BNS, 2023 as well as Section 3(2)(va) of the SC/ST Act.

5. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that accused persons including the appellants surrounded her and her husband on 24.05.2025 at 04:00 AM and appellant



no. 1 ordered to kill the informant and her husband, on which Suman Sharma caught her from behind and Jivan assaulted her by *farsa* causing injury on head, thereafter Sulochana Devi and Usha Devi assaulted her husband by stick causing injury on head and hand, the brother-in-law of the informant also suffered injuries on hand and Pankaj dashed her niece on the ground and molested her causing injuries on private part.

6. 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 even female members of the family have been implicated with general and omnibus allegation. It is also submitted that there is no specific allegation of assault against Suman though appellant no. 1 is alleged to be an order giver. It is further submitted that a land dispute in between the parties is brewing for which an altercation had taken place and an FIR being Fulkaha P.S. Case No. 71 of 2025 dated 26.05.2025 came to be instituted against the informant and her side. It is also submitted that from perusal of the FIR, it would manifest that the date of occurrence is 24.05.2025 and the instant FIR came to be instituted on 03.06.2025 i.e. after a delay of 10 days which also casts an



aspersion on the case of the prosecution.

7. Learned Spl. P.P. for the State as well as the learned counsel appearing on behalf of the informant opposes the appeal.

8. In view of the submissions made by the learned counsel for the appellants, the order dated 08.07.2025 in A.B.P. No. 1221 of 2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Araria in connection with Araria SC/ST P.S. Case No. 21 of 2025, is **hereby set aside** and the appellants 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 with 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 Araria SC/ST P.S. Case No. 21 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. Accordingly, the appeal stands allowed.

(Satyavrat Verma, J)

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