

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3627 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- LAUKAHI District- Madhubani

1. Nazea Begam @ Rizwana Khatoon W/o Farook Ansari Resident of village and PS- Laukhi, District- Madhubani
2. Md Nezam @ Azharuddin Ansari S/o Md. Serajuddin Ansari Resident of village and PS- Laukhi, District- Madhubani
3. Saheen Kausar D/o Late Ainul Haque Ansari Resident of village and PS- Laukhi, District- Madhubani
4. Md. Farook Ansari S/o Zahura Miya @ Zahura Ansari Resident of village and PS- Laukhi, District- Madhubani
5. Mehrunnisha W/o Serajuddin Ansari Resident of village and PS- Laukhi, District- Madhubani
6. Md. Heera @ Md. Azhruddin Ansari S/o Late Ainul Haque Ansari Resident of village and PS- Laukhi, District- Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Shah Nawaz Ali
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 09-04-2026 1. Heard learned counsel for the appellants, learned Spl. P.P. for the State and the 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 05.08.2025 in A.B.P. No.1441/2025, arising out of



Laukahi P.S. Case No.156/2024, passed by the learned District and Additional Sessions Judge-I-cum-Special Judge, Madhubani registered for the offences punishable under Sections 127(1), 115(2), 118(1), 117(2), 303(2), 329(4), 324(5), 352, 351(2) and 3(5) of the BNS and Sections 3(1)(r)(s) and 3(2)(Va) of the SC/ST Act, 1989.

3. Learned counsel for the appellants submits that appellants have antecedent of three cases and appellant no.1, 3 and 5 are women and the informant alleges that on 05.08.2024 at 5.36 P.M., nine named accused persons including the appellants along with 8-10 unknown accused came, while he was reading case diary and started abusing, thereafter Md. Serajuddin assaulted him by lathi causing fracture of hand, while Mehrunisha assaulted by sharp edged weapon causing injury on head, thereafter Saheen assaulted by lathi causing injury on nose, while Mahmooda Khatun tried to assault him by farsha but missed and Md. Farooque assaulted by rod on back, thereafter Nazea pierced in his ear, causing injury to eardrum, thereafter Ainul threw brick causing injury on thigh and Md. Heera threatened with gun and accused persons assaulted since he was alone and even took away papers and cash.

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 no motive for the occurrence is assigned that as to why nine named accused persons along with 8-10 unknown accused came and started assaulting the informant. It is further submitted that even presuming what has been alleged is true without admitting then no specific allegation of abuse and assault is alleged against the appellants. It is next submitted that it does not appear probable that all the accused persons in one-go would have abused the informant by taking caste name. It is also submitted that it does not appear probable that informant with such precision could have alleged who assaulted him and where and by what. It is further submitted that though informant alleges that accused persons assaulted him but then the order impugned does not record about the injury, which amply demonstrates that no injury as alleged in the FIR was caused. It is further submitted that police during the course of investigation also did not find any material connecting the appellants with the offence as such police never made any endeavour to arrest the appellants but in a mechanical manner submitted charge sheet, based on which, cognizance came to be taken. It is thus submitted that



when police during the course of investigation never made any effort to arrest the appellants, whether it would be prudent for the Court to send the appellants to jail merely for the reason that cognizance has been taken and more so when allegation as alleged in the FIR does not even remotely reflects about the participation of the appellants in the occurrence. Learned counsel for the appellants next fairly submits that since cognizance has been taken as such a prima facie case is made out and hence rigors of Section 18 of the SC/ST Act will apply but then the issue is that when police during the course of investigation never made endeavour to arrest the appellants and there is no specific allegation of abuse and assault against the appellants whether it would be prudent for the court to send the appellants to jail.

5. Learned Spl. P.P. for the State and the learned counsel appearing on behalf of the informant opposes the appeal of the appellants. Learned counsel appearing on behalf of the informant submits that appellants are threatening the informant to compromise the case, for which, another FIR has been instituted, on which, the learned counsel appearing on behalf of the appellants submits that if what has been submitted by the learned counsel appearing on behalf of the informant is a true



fact, in that event, the police in the investigation of the said case will take action in accordance with law.

6. After hearing the learned counsel for the parties, the Court was inclined to grant the privilege of anticipatory bail to the appellants but for the order of cognizance as such the appeal is disposed of with a direction the appellants to surrender before the learned trial court on 21.04.2026.

7. It is made clear, if appellants surrender on 21.04.2026, in that event, the learned trial court shall consider and dispose of the appeal on the same day keeping in mind the fact that there is no specific allegation of abuse and assault against the appellants and police during the course of investigation never made any endeavour to arrest the appellants.

8. The appeal stands disposed of.

(Satyavrat Verma, J)

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