

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4166 of 2025

Arising Out of PS. Case No.-93 Year-2025 Thana- HALAI District- Samastipur

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1. Chandeshwar Paswan S/o Late Mahavir Paswan R/o vill - Larua, P.S.- Halai, Distt.- Samastipur
 2. Babu Lal Paswan S/o Chandeshwar Paswan R/o vill - Larua, P.S.- Halai, Distt.- Samastipur
 3. Phulpari Devi W/o Chandeshwar Paswan R/o vill - Larua, P.S.- Halai, Distt.- Samastipur
 4. Rani Kumari D/o Chandeshwar Paswan R/o vill - Larua, P.S.- Halai, Distt.- Samastipur
 5. Amarjeet Paswan @ Anarjeet Paswan S/o Shankar Paswan R/o vill - Larua, P.S.- Halai, Distt.- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sabita Devi W/o Nagina Paswan R/o vill - Larua, P.S.- Halai, Distt.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Surya Narayan Roy, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For the Informant	:	Ms. Shambhavi Manshi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 16-04-2026 Heard the parties.

2. This appeal has been filed for setting aside the order dated 04.09.2025 passed by the learned Special Judge, SC and ST (POA) Act, Samastipur in connection with Halai P.S. Case No. 93 of 2025 registered for the offence punishable under sections 126(2), 115(2), 118(1), 117(2), 109(1), 76, 303(2), 352, 351(2)(3) and 3(5) of the B.N.S. and section 3(1)(r), 3(1)(s) and 3(1)(w) of the SC and ST Act whereby the prayer for



anticipatory bail of the appellant has been rejected.

3. As per the prosecution story, the informant alleged that the accused persons after forming unlawful assembly came to her house, started abusing and upon objection, Babu Lal Paswan exhorted them to assault the informant. The allegation is that both Babu Lal Paswan and Chandeshwar Paswan gave farsa/iron rod blow causing injury on her head as a result whereof she became unconscious. When Rajkumar Singh and Rajdular Singh came to her rescue, Suraj Kumar Tiwari started abusing and Rajdular Singh was assaulted on her head causing injury. Amarjit Paswan assaulted Rajkumar Singh on his head while allegation against Rani Kumari is of assaulting Rajkumar Singh on the hand and Phulpari Devi took away the ear ring. Allegation against Suraj Kumar Tiwari and Babu Lal Paswan is of outraging her modesty. This led to the F.I.R..

4. Learned counsel for the appellants submit that only to implicate everyone they have been named in the F.I.R., the appellants do not have criminal antecedent.

5. Ms. Shambhavi Manshi, learned counsel representing the informant and according to her Chandeshwar Paswan and Babu Lal Paswan had played a key role in assaulting the informant both on the head by farsa and iron rod



causing injury to her. Further, even Amarjit Paswan gave iron blow to Rajkumar Singh. So far as Phulpari Devi and Rani Kumari are concerned, she submits that while Rani Kumari assaulted Rajkumar Singh on his hand, Phulpari Devi took away ear ring.

6. Taking into account the submissions of the parties as also the role played by appellant nos. 1, 2 and 5 namely, Chandeshwar Paswan, Babu Lal Paswan and Amarjeet Paswan @ Anarjeet Paswan respectively, their anticipatory bail application stands rejected.

7. So far as the appellant nos. 3 and 4 namely Phulpari Devi and Rani Kumari respectively are concerned, allegation against Rani Kumari is that she gave blow on the hand of Rajkumar Singh while Phulpari Devi is of taking away ear ring, both do not have criminal antecedent and are ladies, in that background, this Court is inclined to extend them the relief.

8. The impugned order dated 04.09.2025 passed by the learned Special Judge, SC and ST (POA) Act, Samastipur in connection with Halai P.S. Case No. 93 of 2025 stands set aside and the appeal is allowed with respect to the appellant nos. 3 and 4 namely Phulpari Devi and Rani Kumari respectively.

9. Let the appellant nos. 3 and 4 namely Phulpari



Devi and Rani Kumari respectively, 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 Special Judge, SC and ST (POA) Act, Samastipur in connection with Halai P.S. Case No. 93 of 2025.

(i) one of the bailor should be the family member/relative of the appellant nos. 3 and 4 namely Phulpari Devi and Rani Kumari who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;

(ii) the appellant nos. 3 and 4 namely Phulpari Devi and Rani Kumari shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the appellant nos. 3 and 4 namely Phulpari Devi and Rani Kumari 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 his/her bail bond by the Trial Court itself;

(iv) the appellant nos. 3 and 4 namely Phulpari Devi and Rani Kumari 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;

(v) the appellant nos. 3 and 4 namely Phulpari Devi and Rani Kumari shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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