

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4277 of 2025

Arising Out of PS. Case No.-112 Year-2025 Thana- THAWE District- Gopalganj

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1. Salimul Haque @ Nasimul Haque @ Maulvi Miyan S/o- Late Ali Hasan Miyan @ Ali Hasan Resident of Village- Bedu Tola, P.S- Thawe, District- Gopalganj.
 2. Md. Ashif Nasim @ Ashif Nasim @ Ashif Ali @ Ashique Ali S/o- Nasimul Haque Resident of Village- Bedu Tola, P.S- Thawe, District- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chanpatiya Devi W/o- Rajendra Manjhi Resident of Village- Bedu Tola, P.S- Thawe, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mritunjay Kumar, Advocate Mr. Dinkar Kumar, Advocate Md Danish Quamar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari-1, APP
For the Informant	:	Mr. Umesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 29-01-2026 Heard learned counsel for the appellants, Mrs. Usha Kumari-1, learned Special P.P. for the State as well as 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 08.09.2025, passed by learned Additional Sessions Judge-XI-cum-Special Judge SC/ST Act, Gopalganj in connection with Thawe P.S. Case No.112 of 2025, registered



under Sections 126(2), 115(2), 117(2), 109, 352, 351(2) and 3(5) of B.N.S., 2023 as well as Section 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (POA) Act.

3. Learned counsel appearing on behalf of the appellants submits that appellant no.1 has antecedent of one case and appellant no.2 is a person with clean antecedent and the informant alleges that she along with her husband and daughter-in-law were watering the plants in their field when accused persons including the appellants came and abused by taking caste name and said to withdraw the case. Further, her husband objected not to abuse when appellant no.1 assaulted him by an iron rod causing injury on head. Thereafter Aftab Alam and appellant no.2 assaulted her husband by an iron pipe injuring him. On alarm, they fled thinking her husband dead. Further, her husband was taken to hospital from where he was referred to PMCH.

4. The S.H.O.-cum-I.O. in compliance of the order dated 20.01.2026 is present in the Court.

5. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations, as alleged in the FIR, it would manifest that on



account of dispute relating to land, the occurrence is alleged to have been committed. It is also submitted that though it is alleged that appellant no.1 assaulted her husband by an iron rod causing injury on head and thereafter Aftab Alam and appellant no.2 also assaulted her husband by an iron pipe causing injury but then the injury caused on account of assault made by Aftab Alam and appellant no.2 is not mentioned and the doctor initially opined the injury to be grievous but then had not referred the injured to PMCH. It is submitted that the appellants on coming to know about their false implication made an application for constituting a Medical Board for examining the injured. Accordingly, a Medical Board was constituted at Sadar Hospital, Gopalganj and the Medical Board opined the injury to be simple which amply demonstrates that initially when the injury report was prepared by the doctor at the PHC, the same was manipulated. It is also submitted that though in the FIR, it is alleged that injured was referred to PMCH by the PHC but then the injured was never referred to PMCH, rather the injured on his own came to PMCH, Patna for treatment but was not admitted by PMCH, which further demonstrates that the injury suffered by the injured was not grievous or else the injured would have been admitted by PMCH, Patna. The Investigating



Officer of the case, who is present in the Court, also submits that doctor at Gopalganj never referred the injured to PMCH for treatment. It is next submitted that as far as allegation of abusing by taking caste name is alleged, the same is general and omnibus in nature and it does not appear probable that all accused persons in one go would have abused the husband of the informant by taking caste name. It is also submitted that since the Medical Board has found the injury to be simple in nature that amply demonstrates that initial injury report was manipulated to give seriousness to the case. It is next submitted that no doubt it is alleged that accused persons came and assaulted but then the FIR does not even remotely suggest that the occurrence was witnessed by any independent witness.

6. The learned counsel appearing on behalf of the informant opposes the appeal but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that the Medical Board opined the injury to be simple in nature and the injured was never referred by the PHC to PMCH for treatment. The submission made by the learned counsel appearing on behalf of the appellants that the injured was never referred to PMCH for treatment by the PHC is only for the reason that initially when the case was taken up on



20.01.2026, it was submitted by learned counsel for the informant that since injury suffered by the injured was opined to be grievous hence, he was referred to PMCH.

7. After hearing learned counsel for the parties, let appellants, above named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, 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 in connection with Thawe P.S. Case No.112 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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