

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4583 of 2025

Arising Out of PS. Case No.-328 Year-2025 Thana- SARAIYA District- Muzaffarpur

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1. Tahira Khatoon W/O Moukbik R/O Vill.- Harpur Gauss, P.S-Saraiya, Dist.- Muzaffarpur
 2. Arbaaj @ Md. Arbaaj S/O Ballu R/O Vill.- Harpur Gauss, P.S-Saraiya, Dist.- Muzaffarpur
 3. Munna @ Md. Munna S/O Md. Anjig R/O Vill.- Harpur Gauss, P.S-Saraiya, Dist.- Muzaffarpur
 4. Imeityeaj @ Imteyaj @ Md. Imeityeaj S/O Md. Basir R/O Vill.- Harpur Gauss, P.S-Saraiya, Dist.- Muzaffarpur
 5. Sartaaj @ Md Sartaj S/O Md. Basir R/O Vill.- Harpur Gauss, P.S-Saraiya, Dist.- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Kajal Devi W/O Deepak Paswan R/O Vill.- Harpur Gauss, P.S-Saraiya, Dist.- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sunil Kumar Pandey
For the Respondent/s	:	Mr. Binay Krishna
		Dr. Bipin Chandra

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 01-07-2026 1. Heard the learned counsel for the appellants, the learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the informant.

2. The appellants have challenged the order dated 25.09.2025 passed by the learned Special Judge SC/ST (POA) Act, Muzaffarpur in connection with Saraiya P. S. Case No.328 of 2025, instituted for the offences under Sections 191(2)(3), 190, 109, 75, 115(2), 118(1) of the B.N.S. and Section 3(i)(r)(s)



of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and appellant no.1 is a woman and the informant alleges that on 29.06.2025 at 6.00 P.M., Saukat Ali came to her house and asked her to sleep with him for which he will pay, but informant objected and raised alarm, as such, Saukat Ali fled and threatened that he will rape her. It is next alleged that when her husband came home, the informant disclosed about the occurrence. Further, on 30.06.2025, Saukat Ali along with other named accused persons including the appellants came variously armed and assaulted her husband causing injury on face and threatened that daughter and daughter in-law would be raped.

4. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegations as alleged in the FIR, it would manifest that thrust of the allegation is against Saukat Ali. It is further submitted that appellants are not related to Saukat Ali rather are his co-villagers. It is further submitted that even allegations against the



appellants are general and omnibus in nature. It is also submitted that even occurrence is alleged to have taken place at the house of the informant and thus, was not in public view.

5. The learned Special P. P. as well as 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 allegation against the appellants are general and omnibus in nature and the entire occurrence took place at the house of the informant, thus was not in public view.

6. Regard being had to the aforesaid submissions, the order dated 25.09.2025 is set-aside.

7. The appeal stands allowed.

8. After hearing the learned counsel for the parties and taking into consideration the submissions made by the learned counsel appearing on behalf of the appellants, the appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act,



Muzaffarpur in connection with Saraiya P. S. Case No.328 of 2025, subject to the conditions laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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