

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4935 of 2025

Arising Out of PS. Case No.-321 Year-2025 Thana- RIVILGANJ District- Saran

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1. Gajendra Sah S/o Jayram Sah R/o Village- Mahammadpur, PS- Rivilganj, District- Saran
 2. Upendra Sah S/o Virendra Sah R/o Village- Mahammadpur, PS- Rivilganj, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi W/o Raj Kumar Das R/o Village- Mahammadpur, PS- Rivilganj, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ankur Prakash Sinha, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 17-07-2026 Heard the learned counsel for the appellants through virtual mode, the learned counsel appearing on behalf of the respondent/opposite party no. 2 and the learned Spl. P.P. for the State.

2. That the present appeal has been filed for setting aside the order dated 01.12.2025 passed by the learned Exclusive Special Judge, (SC/ST), Chapra, Saran in relation to Rivilganj Town P.S. Case No. 321 of 2025 registered under Sections 191(2), 126(2), 115(2), 118(1), 117(2), 109, 303(2), 352 of the B.N.S., & Section 3(i)(r)(s) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, by which the prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that all the accused persons, including the appellants herein and 10 unknown persons came at the door of the informant and it has been alleged that co-accused Surendra Sah abused the informant by taking name of her caste. They also started urinating in front of the door. When the informant tried to stop them from abusing and from urinating, co-accused Surendra Sah assaulted the husband of the informant with a sword on his head, due to which he sustained injuries. Thereafter co-accused Surendra Sah assaulted the son of the informant namely, Anup Kumar with a *farsa* on his head, which caused injuries on his head. Co-accused Prabhat Kumar assaulted the informant with an iron rod on her legs and so far the appellant no. 2 is concerned, he assaulted the husband of the informant with an iron rod, due to which his hand got fractured. All the accused persons entered into the house of the informant and took away Rs. 2,50,000/-, which was kept in a box and co-accused Prabhat Kumar and Prem Kumar also took away Rs. 50,000/-, which was kept in another box.



4. The learned counsel for the appellants submits that the appellants are innocent and the allegations leveled in the FIR is entirely false and baseless. He submits that even assuming the allegations to be true, allegation of abusing the informant by taking name of her caste has been leveled against Surendra Sah. He further submits that the only allegation which has been leveled against the appellant no. 2 is that he assaulted the husband of the informant with an iron rod, due to which her hand got fractured. There is no specific allegation of assault or taking name of caste of the informant against appellant no. 1. He further submits that the appellants have got a clean antecedent.

5. Per contra, the learned counsel appearing on behalf of the respondent/opposite party no. 2 submits that all the accused persons, including the appellants herein came to the house of the informant and started abusing her by taking name of her caste and also started assaulting the informant and her family members. He submits that the appellant no. 2 assaulted on the hand of the husband of the informant with an iron rod, due to which he sustained fracture in his hand. He further submits that all the accused persons assaulted the informant and her family members, due to which all of them sustained injuries



and were treated at Government hospital Rivilganj and while escaping all the accused persons took away Rs. 2,50,000/- from a box kept in the house of the informant.

6. The learned Spl. P.P. for the State also opposes the prayer for bail of the appellants and submits that all the appellants assaulted the informant and her family members, due to which they sustained multiple injuries.

7. Considering the rival submissions and after going through the records, it appears that specific allegation of abusing the informant by taking name of her caste is against co-accused Surendra Sah. So far the appellant no. 1 is concerned, nothing has been leveled against him, either of taking name of the informant by her caste or of any assault. So far the appellant no. 2 is concerned, the allegation of assault upon the husband of the informant with an iron rod has been leveled, due to which the informant sustained fracture on her hand. From persual of the injury report which has been annexed with the case diary it would transpire that the injuries sustained by the informant Usha Devi have been found to be simple by the treating doctor. So far the injuries sustained by Poonam Devi, Pankaj Kumar and Vikash Kumar are concerned, the doctor has found the injuries to be simple in nature. So far Raj Kumar Das i.e., the



husband of the informant is concerned, initially the opinion with regard to the injuries were kept reserved and later on the doctor found the injuries to be simple in nature, caused by hard and blunt substance, since the report of the X-ray was not made available and it was further recorded that the X-ray was not done. So far the injury on the body of the Anup Kumar is concerned, the same has been found to be simple in nature. In the facts and circumstances of the case, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST), Chapra, Saran in connection with Rivilganj P.S. Case No. 321 of 2025, subject to the condition as laid down under Section 482(2) of B.N.S.S., with further condition:-

(I) That the learned court concerned shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedent, the Court concerned shall take steps for cancellation of bail bonds of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.



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

(Ritesh Kumar, J)

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