

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5000 of 2025

Arising Out of PS. Case No.-350 Year-2025 Thana- BIHIA District- Bhojpur

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1. Ravi Sah Son of Shivjee Sah Resident of village- Teghra, P.S.-Bihiyan, District- Bhojpur
 2. Shivjee Sah Son of Late Ghura Sah Resident of village- Teghra, P.S.-Bihiyan, District- Bhojpur
 3. Raghunandan Sah Son of Shivjee Sah Resident of village- Teghra, P.S.-Bihiyan, District- Bhojpur
 4. Shambhu Sah Son of Shivjee Sah Resident of village- Teghra, P.S.-Bihiyan, District- Bhojpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Kusum Devi Wife of Dayanidhi Paswan Resident of village- Teghra, P.S.-Bihiyan, District- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Malti Kumari, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.
	:	Mr. Shiv Pd. Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

4 17-07-2026 Heard the learned counsel for the appellants, the learned counsel for the respondent no.2 and the learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 26.11.2025 passed by the learned 1st Additional Sessions Judge-Cum-Special Judge Schedule Caste and



Schedule Tribe Act, Bhojpur at Ara in connection with A.B.P. No. 2892 of 2025 arising out of Bihiya P.S. Case No. 350 of 2025, registered under Sections 191(2), 126(2), 115(2), 329(4), 303(2) and 352 of the B.N.S. and Section 3(1)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

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 she lives with her 3 daughters and when she was at her shop, all the accused persons named in the first information report, including the appellants herein entered into the house of the informant and started searching the informant and when the same was objected by one of the daughters of the informant, abusive language was used against her. They also assaulted the daughter of the informant and subsequently, ousted them from the house. When the informant received the information, she came to her house, then all the named accused persons, including the appellants herein started assaulting the informant and her daughters, due to which they sustained injuries.

4. The learned counsel for the appellants submits that no such occurrence has taken place and false accusations have



been made against the appellants and other co-accused persons. He further submits that for the same occurrence, co-accused Shila Devi also lodged Bihiya P.S. Case No. 356 of 2025 against the informant and others. He further submits that there is general and omnibus allegations against the appellants and no offence under SC/ST Act is made out, since no allegation of abusing the informant by taking name of her caste has been levelled in the first information report. He further submits that the present first information report has been lodged due to village politics. He further submits that appellant no.1 has got two criminal antecedents, however in both the cases, he is on bail. So far appellant nos. 2 to 4 are concerned, they have got a clean antecedent.

5. Per contra, the learned counsel for the respondent no.2. opposes the prayer for bail and submits that the appellants along with other co-accused assaulted the daughters of the informant and also used abusive language against them. He submits that they regularly used to abuse and assault the informant who is disabled and also her daughters. He further submits that so far the the appellant no.1 is concerned, he is an accused in two other cases under the Excise Act.

6. Learned counsel for the State opposes the prayer



for bail of the appellants.

7. Having considered the rival submissions and after going through the records, it appears that no allegation of using any abusive language by taking the name of caste of the informant has been levelled in the first information report. Further, even the allegation of using abusive language against the daughters of the informant has taken place inside the house of the informant and for the same occurrence, a counter case has also been lodged by one of the co-accused Shila Devi bearing Bihiya P.S. Case No. 356 of 2025, against the informant and others. 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 learned 1st Additional Sessions Judge-Cum-Special Judge, Schedule Caste and Schedule Tribe Act, Bhojpur at Ara in connection with Bihiya P.S. Case No. 350 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(1) 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 antecedents, 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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