

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5075 of 2025

Arising Out of PS. Case No.-50 Year-2024 Thana- COMPLAINT CASE District- Jamui

Md. Naushad Rijwi @ Naushad Rizvi @ Md. Rizwi @ Md. Noushad Rizvi
Son of Late Md. Ashraf Jahan Khan @ Md. Ahraf Jahan Khan Resident of
Village - Nimarang, Police Station - Jamui, District - Jamui. At Present ASI
sheikhpura police line ,R/O Pratappur Chatra, P.S - Pratappur , Distt- Chatra
(Jharkhand).

... .. Appellant/s

Versus

1. The State of Bihar
2. Kavita Devi Wife of Anirudha Das Resident of Village - Bishanpur, Police
Station - Barahat, District - Jamui, presently in the House of Mohan Yadav,
Panch Mandir, Jamui, Post Office and Police Station - Jamui, District -
Jamui.

... .. Respondent/s

Appearance :

For the Appellant	:	Md. Abu Shajar, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Complainant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-03-2026 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of the complainant/Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 04.12.2025 passed in a complaint case registered for the
offence punishable under Sections 323, 341, 504, 506, 354 and
34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and
3(2)(Va) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act, whereby the prayer for grant of bail to the appellant has been rejected.

4. As per complaint petition, on the alleged date and time of occurrence, this appellant, along with co-accused Md. Mansur Ansari, caught hold of the complainant, tore her clothes, assaulted her with fist and slaps and abused her by caste name.

5. It is submitted by learned counsel appearing on behalf of the appellant that appellant is quite innocent and has committed no offence. As a matter of fact, both parties are co-villagers and due to pre-existing land dispute, this false and concocted case has been lodged. The present complaint petition has been lodged after inordinate delay of 25 days and there is no plausible explanation for the same, which itself makes the entire prosecution case doubtful. Moreover, co-accused Md. Mansur Ansari, having similar and identical allegations, has already been granted bail by the learned trial court vide order dated 31.07.2025, copy of which is Annexure-P/4 to this bail application. It is not the case of the complainant that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant has got no criminal antecedents and he is in custody



since 04.12.2025.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellant.

7. Considering the facts and circumstances of the case, period of custody, delay in lodging of the complaint petition and clean antecedents of the appellant, this appeal is allowed and the impugned order dated 04.12.2025 passed by the learned Additional Sessions Judge-I, Jamui in connection with S.C./S.T. Case No. 105 of 2024 arising out of Complaint Case No. 50(C) of 2024 is hereby set aside with respect to this appellant only.

8. Accordingly, let the appellant, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-1st, Jamui in connection with Complaint Case No. 50(C) of 2024.

(Prabhat Kumar Singh, J)

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