

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4877 of 2023

Arising Out of PS. Case No.-97 Year-2020 Thana- WARISLIGANJ District- Nawada

Bablu Khan @ Dilsher Khan S/O Mushtaque Khan Ehsani @ Akbar Khan @
Late Md. Mushtaque Khan, R/o Village- Murlachak Ward No. 5, PS-
Warisaliganj, Dist.- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Rajeev Kumar @ Raja S/O Saho Ravidas, R/o Village- Mulachak Dihpar
Ward No. 05, PS-Warisaliganj, Dist. Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kumar Satya Kirti, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-09-2024 Heard the learned counsel for the appellant, the learned
counsel appearing on behalf of the informant and Mr. Sadanand
Paswan, the learned Special Public Prosecutor for the State.

2. The present appeal is filed under Section 14(A)(2) of
the Schedule Caste and Schedule Tribes (Prevention of Atrocities)
Act, 1989, directed against the refusal of prayer for anticipatory
bail vide order dated 25.09.2023, passed by the learned Ex Special
Judge SC and ST (PoA) Act, Nawada in A.B.P. No. 2604 of 2023,
arising out of Warisaliganj P.S. Case No. 97 of 2020, FIR dated
17.04.2020, registered under Sections 147, 148, 149, 341, 323,
307, 504, 506 and 302 of the Indian Penal Code and under Section
27 of Arms Act and also under Sections 3(i)(r)(s) and 3(2)(r) of the
SC & ST Act.



3. According to the prosecution story, the informant and appellant were on inimical terms due to some petty dispute. It is further alleged that after hearing the death of co-villager's wife, the FIR named accused persons along with twenty to twenty-five unknown persons started abusing the residents with caste names slurs and fired indiscriminately. It is further alleged that one Md. Irfan fired upon Madan Ravidas, Jairam Ravidas and one more neighbour, who fell down. The co-accused persons also assaulted them with swords and iron-rods.

4. Learned counsel for the appellant submits that petitioner has falsely been implicated in the present case, although appellant is named in the FIR, however, there is no specific allegation of any assault or overt act attributed against the appellant and the specific allegation of firing is attributed against the co-accused person namely, Md. Irfan. He lastly submits that other co-accused person namely, Chunnu Khan has been granted the privilege of anticipatory bail vide order dated 26.07.2023 passed in Cr. App (SJ) No. 2779 of 2023 by a co-ordinate Bench of this Court and another co-accused person namely, Sher Khan has also been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 06.10.2023 passed in Cr. App (SJ) No. 2995 of 2023.

5. The learned counsel for the informant as well as the



learned Special Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the FIR. Apart from that, he fairly admits that there is no specific allegation against the appellant.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the parties, let the appellant, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Ex Special Judge SC and ST (PoA) Act, Nawada, where the case is pending in connection with **Warisaliganj P.S. Case No. 97 of 2020**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.



(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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.

7. Accordingly, the impugned order dated 25.09.2023 is set aside and the appeal stands allowed.

(Rajesh Kumar Verma, J)

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