

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.752 of 2024

Arising Out of PS. Case No.-21 Year-2023 Thana- SC/ST District- Purnia

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1. Rahul Kumar Mehta @ Rahul @ Banty S/o Late Ghanshyam Mehta Resident of Village - Tadha, PS- K.Hat, Distt. - Purnea
 2. Sharvan @ Saurav S/o Shivnandan Mehta Resident of Village - Tadha, PS- K.Hat, Distt. - Purnea
 3. Kunal @ Milan @ Kunal Raj S/o Sachitanand Mehta Resident of Village - Tadha, PS- K.Hat, Distt. - Purnea
 4. Mantu Mehta @ Mantu Kumar S/o Krishandev Mehata Resident of Village - Tadha, PS- K.Hat, Distt. - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Mandip Kumar S/o Vivekanand Mandal R/o vill - Tadha, P.S. - K. Hat, Distt. - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raj Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl. P.P.
For Respondent No. 2	:	Mr. Bijendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-08-2025 Heard Mr. Raj Kumar, learned counsel for the appellants, Mr. Bijendra Kumar Singh, learned counsel for the Respondent No. 2 and Ms. Usha Kumari 1, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 03.11.2023 passed by the learned Special Judge SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 21 of 2023, F.I.R. dated 10.05.2023 registered under Sections 341, 323, 385,



354, 506/34 of the Indian Penal Code and Sections 3 (1) (r) (s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the appellants assaulted the informant and his workers and abused him by caste name. They also attacked female family members of the informant and teared their clothes.

4. Learned counsel for the appellants submits that appellants have clean antecedent. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. Although, appellants are named in the FIR, but from perusal of the FIR, it appears that there is no specific allegation of assault or overt act or abusing by using caste name against the appellants rather there is general and omnibus allegation against all the accused persons including these appellants. Although, some of the informant's side have received injuries, but the injury report suggests that the injuries are simple in nature caused by hard and blunt substance.

5. Learned counsel for the State as well as learned counsel for Respondent No. 2 have vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the FIR and with the common intention they have



abused the informant and other persons.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out because the appellants have not abused the informant and others and there is no specific or direct allegation against the appellants in the FIR.

7. Hence, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two surities of the like amount each to the satisfaction of learned Special Judge SC/ST, Purnea in connection with SC/ST P.S. Case No. 21 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

ii. If the appellants 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 court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond 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 stands allowed.

(Rajesh Kumar Verma, J)

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