

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1075 of 2024

Arising Out of PS. Case No.-220 Year-2023 Thana- KADWA District- Katihar

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1. Shaukat Reza @ Shaukat Raza Son Of Md. Akhtar Huassain Resident Of Village- Kujibana, Ps- Kadwa, Distt- Katihar
 2. Md Faltu @ Nausher Reza @ Md. Navsher Reza Son Of Md. Akhtar Hussain Resident Of Village- Kujibana, Ps- Kadwa, Distt- Katihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Pramod Kumar Roy Son Of Sobha Roy Resident Of Village- Kujibana, Ps- Kadwa, Distt- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md Musowir, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-08-2025 Despite interappearance through Vakalatnama, no one appears on behalf of the Respondent No. 2.

2. Heard Mr. Md. Musowir, learned counsel for the appellants and Mr. Binay Krishna learend Spl.P.P. for the State.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 23.01.2024/13.02.2024 passed by the learned Court of Additional District Judge-I-cum-Special Judge, SC/ST, Katihar in connection with Kadwa P.S. Case No. 220 of 2023, F.I.R. dated 03.10.2023 registered under Sections 307, 120(B) and 34 of the Indian Penal Code, Section 27 of the Arms Act and



Sections 3 (2) (va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, all the accused persons including these appellants have demanded extortion money from the informant and on non-fulfillment of the same the co-accused, Sakir and Banua fired upon the informant and his brother.

5. Learned counsel for the appellants submits that appellant no. 2 has clean antecedent and appellant no. 1 carries five criminal antecedents other than the present one but he is no bail in all the five cases and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R that the F.I.R is in two parts, according to part one, there is general and omnibus allegation against all the accused persons including these appellants and according to second part, there is specific allegation of firing against the co-accused, Sakir Reza and Banua and there is no specific allegation of assault or firing against these appellants.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R and apart from that the appellant no. 1 carries five criminal antecedents other



than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the appellant is on bail in all the five cases.

7. 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.

8. Considerin the aforesaid facts and circumstances that the there is no specific allegation of assault or abusing by the caste name against these appellants rather the specific allegation of firing is against the co-accused persons, let the appellants, above named, in the event of their arrest to 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) with two surities of the like amount each to the satisfaction of learned Court of Additional District Judge-I-cum-Special Judge, SC/ST, Katihar in connection with Kadwa P.S. Case No. 220 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 their absence on two consecutive dates without sufficient reason, their 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 their 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.

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

(Rajesh Kumar Verma, J)

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