

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1109 of 2024

Arising Out of PS. Case No.-1133 Year-2023 Thana- GAYA MUFASIL District- Gaya

1. Md. Aasif @ Md. Tanweer Son Of Md. Habib Resident Of Village - Panchayat Bara, Gandhar, P.S. - Muffasil, District - Gaya
2. Md Badal @ Md. Edadul Rahman @ Md. Badwar Son Of Md Aftab Marhum Resident Of Village - Jagdishpur, Biscuit Gali, District - Gaya
3. Rasheed @ Bittu Son Of Md. Aftab Marhum Resident Of Village - Jagdishpur, Biscuit Gali, District - Gaya
4. Md. Tashu @ Tabish Khan Son Of Md. Tahir Resident Of Village - Jagdishpur, Biscuit Gali, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sunil Chaudhary Son Of Late Sidheshwar Chaudhary Resident Of Village - Jagdishpur, Nawada Road, P.S. - Muffasil, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Resp. No. 2	:	Mr. Bishwanath Mahato, Advocate
		Mr. Deepak Kumar, Advocate
		Mr. Dhananjay Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-08-2025 Heard Mr. Sudhir Kumar Sinha, learned counsel

for the appellants, Mr. Bishwanath Mahato, learned counsel
appearing on behalf of the Respondent No. 2 as well as Mr.
Sadanand Paswan, 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
05.01.2024 passed by the learned Court of Exclusive Special
Judge, SC/ST Spl. Court, Gaya in connection with Muffasil P.S.



Case No. 1133 of 2023, F.I.R. dated 10.11.2023 registered under Sections 147, 149, 341, 323, 307 and 504 of the Indian Penal Code and Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, all the accused persons assaulted and abused the informant by taking his caste name.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. Although the appellants are named in the F.I.R but it appears from the F.I.R that there is no specific allegation of assault or abuse by taking the caste name against these appellants rather there is general and omnibus allegation against all the accused persons including these appellants.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R.

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.

7. Considering the aforesaid facts and circumstances that the appellants have clean antecedent and there is no allegation of assault or abuse by taking the caste name against these appellants, 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 Exclusive Special Judge, SC/ST Spl. Court, Gaya in connection with Muffasil P.S. Case No. 1133 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.

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

(Rajesh Kumar Verma, J)

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