

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1619 of 2024

Arising Out of PS. Case No.-242 Year-2023 Thana- HATHAURI District- Muzaffarpur

1. Bhikhari Singh Son of Late Ram Julum Singh @ Julum Singh Resident of village Sahilarampur P.S.Hathauri District Muzaffarpur
2. Gagan Singh Son of Bhikhari Singh Resident of village Sahilarampur P.S.Hathauri District Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Janak Ram Son of Late Prashadi Ram Resident of village Sahilarampur P.S.Hathauri District Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Bela Singh, Advocate
For the Resp.No.2	:	Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-07-2025 Heard Ms. Bela Singh, learned counsel for the appellants, Mr. Gajendra Kumar Singh, learned counsel for the Respondent No.2 as well as Mrs. 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 13.02.2024 passed by the learned Court of Special Judge, SC/ST (POA) Act, Muzaffarpur in A.B.P. No. 195 of 2024 in connection with Hathauri P.S. Case No. 242 of 2023, F.I.R. dated 22.11.2023 registered under Sections 341, 323, 308, 354B, 504, 506, 34 of the Indian Penal Code and Sections 3 (i) (r) (s) (w), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.



3. According to the prosecution case, the informant alleged that on 17.11.2023 at 7:00 P.M while he was returning to his home from market, in the meantime, the appellants stopped him and abused him by his caste name and assaulted him. When his wife and son came to rescue him, the appellants assaulted them also.

4. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. The present case is counter blast of Hathauri P.S. Case No. 241 of 2023 filed by the appellants side against the informant and his family members. From bare perusal of the FIR it appears that there is specific allegation of assault against the appellants that they assaulted the informant and his family members. 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. Infact there is no injury report available on record which suggest that informant and his other family members have received injury and apart from that the present occurrence took place on 17.11.2023 but the FIR was lodged on 22.11.2023 i.e. after delay of 5 days without giving any reason for delay.

5. Learned Special Public Prosecutor for the State



and learned counsel for the Respondent No.2 have vehemently opposed the prayer for bail of the appellants and submits that there is direct and specific allegation against the appellants that they assaulted the informant and his family members and apart from that appellant no.2 has clean antecedent and appellant no.1 carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the appellant no.1 is on bail in the pending matter.

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, 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 Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Hathauri P.S. Case No. 242 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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