

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1706 of 2024

Arising Out of PS. Case No.-369 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

1. JANG BAHADUR BIND SON OF RAM BILASH BIND Resident of Village - Lakhamanpur, Police Station - Chainpur, District - Kaimur, Bhabua
2. Dharmendra Bind @ Dharmendra Prasad Son of Nandu Bind Resident of Village - Lakhamanpur, Police Station - Chainpur, District - Kaimur, Bhabua
3. Rahul Kumar Son of Lal Bahadur Bind Resident of Village - Lakhamanpur, Police Station - Chainpur, District - Kaimur, Bhabua
4. Nithal bind @ Nithalu Bind @ Nithalu Prasad Son of Indrajit Prasad @ Amarjeet Bind Resident of Village - Lakhamanpur, Police Station - Chainpur, District - Kaimur, Bhabua

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. ROHIT PASWAN SON OF MOTI PASWAN Resident of Village - Lakhamanpur, Police Station - Chainpur, District - Kaimur, Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek, Advocate
For the Resp.No.2	:	Mr. Tribhuwan Narayan, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-07-2025 Heard Mr. Abhishek, learned counsel for the appellants, Mr. Tribhuwan Narayan, learned counsel for 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 01.03.2024 passed by the learned Court of Additional Sessions Judge 1st Kaimur in A.B.P. No. 10 of 2024 arising out of Chainpur P.S. Case No. 369 of 2023, F.I.R. dated 13.11.2023



registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and 25(1-b)a, 27 of the Arms Act and Sections 3(2)(v), 3 of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that when he was going to call his brother and as soon as he reached near house of Dina Paswan, in the meantime, the appellants arrived and assaulted him and abused him and threatened to kill him. It is further alleged that one of the accused persons opened fire upon the informant.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. From bare perusal of the FIR it appears that FIR is in two parts. In the first part there is general and omnibus allegation against the appellants and in the second part there is specific allegation against co-accused person, namely, Rahul Paswan that he opened fire upon the informant. Although the informant received injury which is inflicted due to hard and blunt substance but the injury report does not support the allegation as alleged in the FIR and apart from that there is no specific allegation against the appellants.

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 it appears from the FIR that the informant personally handed over the arms in question to the police, which was recovered from the place of occurrence which suggest that fire arms have been used in the present crime in question.

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, appellants have clean antecedent and the allegation as alleged in the FIR is not supported by the medical evidence, 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) with two surities of the like amount each to the satisfaction of learned Court of Additional Sessions Judge 1st Kaimur in connection with Chainpur P.S. Case No. 369 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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