

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1757 of 2024

Arising Out of PS. Case No.-735 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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- 1 . Bhupal Prasad Son of Late Kashi Prasad Resident of Village- Godhawa,
P.S.- Muffasil Motihari, Dist.-East Champaran
 2. Shambhu Prasad son of Late Kashi Prasad Resident of Village- Godhawa,
P.S.- Muffasil Motihari, Dist.-East Champaran
 - 3 . Mirtunjay Kumar @ Pappu Kushwaha son of Bhupal Prasad Resident of
Village- Godhawa, P.S.- Muffasil Motihari, Dist.-East Champaran

... .. Appellant/s

Versus

- 1 . The State of Bihar Patna
2. Raju Baitha Son of Daroga Baitha Resident of Village - Basmanpur Agarwa,
P.S.- Muffasil, Dist.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binod Kumar Singh, Advocate Ms. Kumari Chandna, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 11-09-2025 Heard learned counsel for the parties. Despite

valid service of notice , nobody appears on behalf of respondent

No.2.

2. This appeal has been filed for setting aside order
dated 11.03.2024 passed in a case registered for the offence
punishable under sections 341, 323, 504, 506, 385 and 34 and
other allied sections of the Indian Penal Code and sections 3(i)
(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act, whereby the prayer for anticipatory bail of



the appellant has been rejected.

3 . As per the prosecution case , informant namely, Raju Baitha alleged that on 27.12.2023 , when he was supervising brick soling work , in the meantime , all the F.I.R. named accused persons including these appellants came there and demanded extortion . It is further alleged that upon refusal, accused persons abused informant by caste name and assaulted him and also threatened him with dire consequences.

4. It is submitted on behalf of these appellants that appellants have falsely been implicated in this case due to political rivalry . F.I.R. has been lodged after the delay of 4 months for which there is no plausible explanation which itself makes the entire case doubtful. Allegation of abuse by caste name and assault is general and omnibus against these appellants. It is not the case of the informant that any member of public was present at the time of incident and as such, no case under SC/ST Act is made out. Rest of the allegations are ornamental in nature to make the case grave .

5 . Learned special Public Prosecutor for the State opposed the bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellants,



named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned spl. Judge SC / ST Act East Champaran Motihari Muffasil in connection with Motihari Muffasil Police Station Case No. 735 of 2023 .

(Prabhat Kumar Singh, J)

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