

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2145 of 2024

Arising Out of PS. Case No.-561 Year-2022 Thana- KESARIA District- East Champaran

1. Ayub Khan @ Guddu Son of Jahir Khan @ Jahir Ahmad Khan R/O VILLAGE - BARIYA (BAIRIYA) P.S. - KESARIYA, EAST CHAMPARAN
2. Meraj Khan @ Meraz Ahmad Khan Son of Jahir Khan @ Jahir Ahmad Khan R/O VILLAGE - BARIYA (BAIRIYA) P.S. - KESARIYA, EAST CHAMPARAN
3. Naushad Khan @ Naushad Ahmad Khan @ Laddu Son of Jahir Khan @ Jahir Ahmad Khan R/O VILLAGE - BARIYA (BAIRIYA) P.S. - KESARIYA, EAST CHAMPARAN
4. Sakib Khan Son of Munna Khan @ Sarfaraz Alam Khan R/O VILLAGE - BARIYA (BAIRIYA) P.S. - KESARIYA, EAST CHAMPARAN
5. Dilkash Khan Son of Munna Khan @ Sarfaraz Aalam Khan R/O VILLAGE - BARIYA (BAIRIYA) P.S. - KESARIYA, EAST CHAMPARAN
6. Firoz Mian @ Md. Firoz Son of Salim Mian @ Md. Salim R/O VILLAGE - BARIYA (BAIRIYA) P.S. - KESARIYA, EAST CHAMPARAN
7. Farhan Khan Son of Ekram Khan R/O VILLAGE - JOGWALIYA, P.S. - MADHUBAN, EAST CHAMPARAN
8. Roman Khan @ Numan Khan Son of Ekram Khan R/O VILLAGE - JOGWALIYA, P.S. - MADHUBAN, EAST CHAMPARAN
9. Md Altaf Son of Sekh Mokhtar R/O VILLAGE- GOCHI, SEKH TOLI, KESARIYA, P.S.- KESARIYA, DIST.- EAST CHAMPARAN
10. Md. Aashique @ Ashique Ekbal Son of Sekh Rahamatullah R/O VILLAGE- GOCHI, SEKH TOLI, KESARIYA, P.S.- KESARIYA, DIST.- EAST CHAMPARAN
11. Reyaz Ansari @ Reyaz Aalam Son of Md. Alhim Ansari R/O Vill. - Jaitoli, P.S.- Dumariyaghat, Dist.- East Champaran
12. Azizur Rahman @ Arshe Aalam Son of Sekh Manzoor R/O VILLAGE- KUSHAHAR KESARIYA, P.S.- KESARIYA, DIST.- EAST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. Mintu Das Son of Late Bhagirath Das R/O VILLAGE - BAIRIYA P.S. - KESARIYA, EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Madhurendra Kumar, Advocate
For the State	:	Mr. Binay Krishna , Spl.PP
For Respondent No. 2	:	Mr. Abhishek Kumar, Advocate
		Mr. Hemant Ray, Advocate



CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-04-2025 Heard learned counsels for the parties.

2. At the outset, learned counsel appearing on behalf of the appellants seek permission to withdraw this application on behalf of Appellant Nos. 1, 3 and 12, namely Ayub Khan @ Guddu, Naushad Khan @ Naushad Ahmad Khan @ Laddu and Azizur Rahman @ Arshe Aalam.

3. Permission, as prayed for, is accorded.

4. Accordingly, this bail application on behalf of Appellant Nos. 1, 3 and 12 stands dismissed as withdrawn.

5. This appeal has been filed for setting aside order dated 31.01.2024, passed in a case registered for the offence punishable under Sections 341, 323, 385, 504, 506 and 34 of the Indian Penal Code, Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

6. As per prosecution case, informant alleges that when he was on the way to home in the meantime, all the F.I.R. named accused persons, including these appellants, surrounded him and started abusing by taking caste name and



threatened him to withdraw the case which was lodged by him earlier against the appellants. It is further alleged that co-accused Pappu Khan put pistol on head of Imran and demanded Rangdari and took Rs 45,000/- from his pocket and thereafter all the accused persons assaulted informant and Nehal Imran by means of hockey, rod and lathi.

7. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation is against co-accused Pappu Khan. So far as these appellants are concerned, there are general and omnibus allegations and there is no specific accusation of overt act. There is case and counter-case between the parties. As a matter of fact, due to political rivalry between the parties, this false and concocted case has been lodged. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Act is made out against these appellants.

8. On the other hand, learned Special P.P. for the State and learned counsel for the informant/Respondent No. 2 have



vehemently opposed the prayer for grant of anticipatory bail to the appellants.

9. Considering the aforesaid facts and circumstances of the case, the impugned order dated 31.01.2024 passed by the learned Special Judge, SC/ST Act, East Champaran, Motihari in connection with A.B.P. No. 5882 of 2023 is hereby set aside with respect to Appellant Nos. 2, 4, 5, 6, 7, 8, 9, 10 and 11 only.

10. Accordingly, let the Appellant Nos. 2, 4, 5, 6, 7, 8, 9, 10 and 11, 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 Special Judge, SC/ST Act, East Champaran, Motihari in connection with Kesariya P.S. Case No. 561 of 2022.

11. With the aforesaid directions, this application stands disposed of.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

