

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2294 of 2024

Arising Out of PS. Case No.-43 Year-2020 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Md. Hamid S/o Md. Azim R/o vill - Manpura, ward no. 5, P.S. N.H. Bangra, Dist. Samastipur
 2. Md. Niraley @ Md. Faruque S/o Md. Hamid R/o vill - Manpura, ward no. 5, P.S. N.H. Bangra, Dist. Samastipur
 3. Md. Sitarey S/o Md. Hamid R/o vill - Manpura, ward no. 5, P.S. N.H. Bangra, Dist. Samastipur
 4. Md. Mister @ Md. Ayub S/o Md. Hamid R/o vill - Manpura, ward no. 5, P.S. N.H. Bangra, Dist. Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Nageshwar Paswan S/o Shivam Paswan R/o vill - Mohammadpur Kuari, P.S. - Waini, Distt. - Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dilip Kumar Roy
For the Respondent/s	:	Mr. Sadanand Paswan- Spl.P.P.
		Mr. Piyush Kumar Pandey
		Ms. Aditi Shahi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 10-11-2025 1. Heard the learned counsel for the appellants, the learned Special Public Prosecutor for the State and the learned counsel appearing on behalf of the Complainant.
2. The appellants have challenged the order dated 24.04.2024 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with ABP No.1150 of 2024 arising out of C.R. No.43 of 2020, Tr. No.1607 of 2024, instituted for the offences under Section 323 of the Indian Penal



Code and Section 3(i)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that he sells tobacco and Md. Hamid and his sons deal in business of tobacco. Further, accused after paying advance of Rs.1,80,500/- purchased tobacco worth Rs.8,45,014, similarly, further purchased were made as detailed in the complaint. It is next alleged that on 16.02.2020, when complainant had gone to the house of the appellants along with others for demanding his dues for tobacco, the accused persons abused him by taking caste name and assaulted by fists and tied him with a pillar.

4. The learned counsel appearing on behalf of the appellants submits that appellants have been false implicated in the instant case by the complainant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of assault is general and omnibus in nature. It is further submitted that even presuming what has been alleged is true without admitting, then entire occurrence took place at the house of the appellants and as such, was not in



public view. It is also submitted that the dispute is purely commercial to which a criminal colour has been given. It is next submitted that instant FIR has been instituted only with a view to coerce the appellants into submission so that they part with the fanciful demand of the complainant.

5. The learned counsel appearing on behalf of the complainant submits that police after investigation submitted charge-sheet based on which cognizance came to be taken, as such, a prima facie offence is made out which disentitles the appellants from the privilege of anticipatory bail, on which the learned counsel appearing on behalf of the appellants submits that police during the course of investigation never felt the need of arresting the appellants, as such, no useful purpose would be served by sending the appellants to jail based on an order of cognizance.

6. The Court finds force in the submission of the learned counsel appearing on behalf of the appellants, but then, it has been rightly submitted by the learned counsel appearing on behalf of the complainant that cognizance has been taken, as such, a prima facie offence is made out.

7. After hearing the learned counsel appearing on behalf of the parties, the appeal is disposed of with a direction to



the appellants to surrender before the learned trial Court on or before 28.11.2025.

8. In the event, if the appellants surrender on or before 28.11.2025, the learned trial Court on the same day shall consider and dispose of the regular bail keeping in mind the fact that that the dispute is commercial and the police during the course of investigation never felt the need of arresting the appellants.

(Satyavrat Verma, J)

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