

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2052 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- Nawalpur District- West Champaran

1. Baleshwar Mukhiya S/o- Motilal Mukhiya Village- Nawalpur Ps- Nawalpur Dist- West Champaran
2. Jhunjhun Mukhiya @ Rakesh Mukhiya S/o- Motilal Mukhiya Village- Nawalpur Ps- Nawalpur Dist- West Champaran
3. Hina Devi W/o- Baleshwar Mukhiya Village- Nawalpur Ps- Nawalpur Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Lal baboo ram Late sakaldev ram Village nawalpur ps nawalpur district west champaran
2. Lal Baboo Ram S/o- Late Sakaldev Ram Village- Nawalpur Ps- Nawalpur Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raki Alam, Advocate
For the Informant	:	Mr. Avinash Raj, Advocate
For the Respondent/s	:	Mrs.Usha Kumari Spl P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-06-2025 Heard Mr.Raki Alam, learned counsel for the appellants, Mr. Avinash Raj, learned counsel for Respondent No. 2 and Mrs. Usha Kumari, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 02.05.2025 in A.B.P. No.857 of 2025 passed by the learned District and Additional Sessions Judge-1st-cum-Special Judge SC/ST, West Champaran, Bettiah in connection with Nawalpur P.S.Case No. 52 of 2025, dated 13.04.2025



registered under Sections 115(2), 118(1), 126(2), 303(2), 352, 3(5) of the B.N.S. as well as under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. The allegation against the appellants is that they have abused the informant Lalbabu Ram and his brother Surendra Ram in caste related words and also mercilessly beaten them when the informant had demanded his unpaid wages

4. Learned counsel for the appellant submits that the appellant nos. 2 and 3 have clean antecedent and appellant no. 1 carries one more case other than the present one and he is on bail in the said case and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the appellants have not committed any offence as alleged in the FIR and apart from that, although the occurrence took place in two places, first is in the house of the appellants, and second is in the house of the informant which are not in public place so no case is made out under the SC/ST Act against the appellants and although there is specific allegation against the appellants that they assaulted to the informant and informant has received injury but injury report is not available on the record even the learned Court below has not recorded whether



the informant has received any injury or not which suggest that the informant has not received any injury.

5. The learned counsel for the respondent no. 2 as well as learned Spl.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the appellants and submits that when the Court has asked the counsel for the respondent no. 2 to produce the injury report, the counsel for the respondent is not in a position to produce any injury report.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

7. In view of the aforesaid, 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) each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-1st-cum-Special Judge SC/ST, West Champaran, Bettiah in connection with Nawalpur P.S.Case No. 52 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 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 tamper 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)

Nitesh/-

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