

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2712 of 2024

Arising Out of PS. Case No.-875 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

Sujay Kumar Son of Baidya Nath Mahto R/O Vill.- Rupdih, P.S.- Muffasil,
Dist.- East Champaran

... .. Appellant/s

Versus

- 1 . The State Of Bihar
2. Sonu Kumar Son of Late Dhruv Paswan R/O Vill.- Bakurwa, P.S.- Muffasil
Motihari, Dist.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar , Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 04-12-2025 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 30.03.2024 passed in a case registered for the offence
punishable under sections 147, 149, 341 , 323 , 324, 307, 379,
504 and 506 of Indian Penal Code and 3(1) (r) (s) SC/ST Act,
whereby the prayer for anticipatory bail of the appellant has
been rejected.



3 . As per the prosecution case , informant namely, Sonu Kumar alleged that on 07.12.2023 at about 08:30 PM, informant was returning home, after attending marriage ceremony and when he reached near tower mill, all the F.I.R. named accused persons including this appellant and 2 to 3 unknown persons caught hold of brother of informant and co-accused Rupnarayan Mahto abused him by caste name and upon objection , other co-accused persons assaulted him and took away gold chain worth Rs. 60,000/- and Rs. 4000/- from his pocket.

4. It is submitted on behalf of appellant that from bare perusal of F.I.R. it is apparent that this appellant is neither alleged to have abused the informant by caste name nor assaulted the brother of informant and he is only alleged to be member of mob. Specific accusation of assault and abuse by caste name is against other co-accused persons. Appellant claims clean antecedent.

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 appellant, 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) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC / ST Act East Champaran at Motihari in connection with Muffasil Police Station Case No. 875 of 2023 .

(Prabhat Kumar Singh, J)

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