

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3297 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- GHORASAHAN District- East Champaran

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1. Lalbabu Rai Son Of Kapildev Rai Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran
 2. Sunil Rai @ Sunil Kumar Sonof Lalbabu Rai Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran
 3. Nabi Hasan @ Nabi Hasan Khan Son Of Shah Mohammad Khan Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran
 4. Ragho Rai Son Of Kapildev Rai Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran
 5. Jahid Khan @ Md. Jahid Jusain Khan Son Of Kalam Khan Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran
 6. Pramod Yadav @ Pramod Rai Son Of Babulal Yadav Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran
 7. Mustak Miya @ Mustak Ansari Son Of Samuddin Miya Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran
 8. Imroj Khan @ Imroj Son Of Islam Khan Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran
 9. Khurshed Miya @ Md. Khurshed Ansari Son Of Gafur Miya Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran
 10. Javed Khan Son Of Kalam Khan Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran
 11. Motin Ansari @ Motin Miya @ Md. Motin Ahmad Son Of Mojid Miya @ Majid Ansari Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran
 12. Tejilal Yadav @ Tejilal Prasad Yadav Son Of Shivji Rai Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran
 13. Ifroj Kha 2 Afroz Khan Son Of Islam Khan Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran
 14. Faiyaj Khan Son Of Nabi Hasan Kan @ Nabi Hasan Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Gajendra Ram Son Of Mosadi Ram Resident Of Village-- Jagiraha Kamraula, P.S.- Lakhaura, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Mr. Hemant Ray, Advocates



For the Respondent/s : Mr. Binay Krishna, Spl. Public Prosecutor
For the R.No. 2 : Mr. Bhagya Narain Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-11-2025 Heard learned counsel for the appellants, respondent
no. 2 and the State.

2. This appeal has been filed against the order dated 21.06.2024 passed by learned Special Judge SC/ST (POA) Act, East Champaran, Motihari in ABP No. 2348 of 2024 arising out of Ghorasahan (Lakhaura) P.S. Case No. 87 of 2024 registered under Sections 147, 149, 341, 323, 354(B), 379, 504, 506 of the Indian Penal Code and Sections 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. Prosecution case, in brief, is that on 13.02.2024 at about 2:30 PM, all the F.I.R. named accused persons including these appellants were illegally constructing road and upon objection, all of them abused informant by caste name and assaulted informant and his family members.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. F.I.R. has been lodged after inordinate delay of five days which itself raises doubt over veracity of the prosecution case. Present case is counter blast of Ghorasahan (Lakhaura) P. S. Case No. 88 of



2024 which was lodged by appellant no. 3 for the occurrence of the same day in which informant's side attempted to commit murder of one of the appellants by hitting on the head with *farsa* causing grievous injury and in retaliation, this false and concocted case has been lodged against the appellants. There is no material to show that alleged incident occurred within public view and as such, no case under SC/ST Act is made out against these appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the delay in lodging the F.I.R., case and counter case and other facts and circumstances of the case, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act, East Champaran, Motihari in ABP No. 2348 of 2024 arising out of Ghorasahan (Lakhaura) P.S. Case No. 87 of 2024.

7. Accordingly, this criminal appeal is allowed and impugned order dated 21.06.2024 is set aside with respect to



these appellants only.

(Prabhat Kumar Singh, J)

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