

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3502 of 2024

Arising Out of PS. Case No.-530 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

1. MOHAN SINGH @ MOHAN KUMAR SINGH SON OF LATE SHYAM LAL BHAGAT R/O- VILLAGE- BHAGWANPUR DADHIYA, P.S.- BOCHAHAN, DISTT.- MUZAFFARPUR
2. NAGENDRA SINGH @ NAGENDRA KUMAR @ NAGENDRA KUMAR SINGH SON OF LATE SHYAM LAL BHAGAT R/O- VILLAGE- BHAGWANPUR DADHIYA, P.S.- BOCHAHAN, DISTT.- MUZAFFARPUR

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RAMESH RAM SON OF LATE RAM NARESH RAM R/V- VILLAGE- BHAGWANPUR DADHIYA, P.S.- BOCHAHAN, DISTT.- MUZAFFARPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raju Kumar, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 30-10-2025 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail *vide* order dated 03.06.2024 passed by the learned Special Court SC/ST (PoA) Act, Muzaffarpur in connection with A.B.P. No. 1842/2024 arising out of Bochahan P.S. Case No. 530/2023 dated 20.11.2023 registered for the offences punishable u/ss 147, 149, 341, 342, 323, 307, 504, 506



and 302 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va), 3(2) of the SC/ST (PoA) Act.

3. As per the prosecution case, when the informant along with his family members was returning to his house, then the co-accused, Jitendra Kumar Singh surrounded and abused him by taking his caste name. On being opposed by the informant, the appellants and the co-accused persons abused and assaulted with fists, slaps, legs, lathi and danda. It is further alleged that the co-accused, Jitendra Kumar Singh threw chilli powder in the eye of the informant's father and gave knife blow on his neck due to which his neck got cut and blood started oozing out and he fell down on the ground, thereafter when the informant along with his brother came to rescue his father, then the co-accused, Jitendra Kumar Singh gave knife blow in the stomach of the informant's brother due to which he got injured, thereafter all the accused persons abused the informant by taking his caste name and assaulted with fists, legs and slaps.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. It is further submitted that the specific allegation of knife blow on the informant's father and brother is against the co-accused, Jitendra Kumar Singh rather the allegation against the



appellants is general and omnibus in nature. Learned counsel has further submitted that no member of public was present at the relevant point of time of the alleged incident. Hence, no offence is made out against the appellants under the provisions of SC/ST (PoA) Act. The appellants have no concern with the alleged offence. The appellants have no criminal antecedent.

5. Learned Spl. P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellants and submitted that the bail application of the co-accused person namely Jitendra Kumr Singh has already been rejected by this court vide order dated 31.07.2025 passed in Cr. Appeal (SJ) No. 1009/2025.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 03.06.2024 passed by the learned Special Court SC/ST (PoA) Act, Muzaffarpur in connection with A.B.P. No. 1842/2024 arising out of Bochahan P.S. Case No. 530/2023, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on



anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand)each with two sureties of the like amount each to the satisfaction of learned Special Court SC/ST (PoA) Act, Muzaffarpur in connection with Bochahan P.S. Case No. 530/2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure with further condition :-

(i) The appellants are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(Chandra Prakash Singh, J)

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