

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3537 of 2024**

Arising Out of PS. Case No.-67 Year-2024 Thana- KHAIRA District- Jamui

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1. Pankaj Kumar @ Pankaj Sah S/O Ramchandra Sah R/O Village- Simra, P.S- Khaira, Distt.- Jamui.
  2. Ranjeet Kumar @ Ranjeet Sah S/O Karu Sah R/O Village- Simra, P.S- Khaira, Distt.- Jamui.
  3. Santosh Kumar @ Santosh Sah S/O Janardhan Sah @ Janardan Sah R/O Village- Simra, P.S- Khaira, Distt.- Jamui.
  4. Rohit Kumar Sao S/O Gopal Sao R/O Village- Simra, P.S- Khaira, Distt.- Jamui.
  5. Ramchandra Sah S/O Late Chotu Sah R/O Village- Simra, P.S- Khaira, Distt.- Jamui.
  6. Madhu Sah @ Madhu Sao S/O Late Chotu Sah R/O Village- Simra, P.S- Khaira, Distt.- Jamui.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shyam Sundar Paswan S/O Late Dhobi Paswan R/O Village- Simra, P.S- Khaira, Distt.- Jamui.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Mukesh Kumar, Advocate  
For the State : Mrs. Usha Kumari 1, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

6      12-08-2025

**I.A. No. 01 of 2025**

Heard Mr. Mukesh Kumar, learned counsel for the appellants and Mrs. Usha Kumari 1, learned Special Public Prosecutor for the State.

2. Learned counsel for the appellants seeks permission to withdraw the present Interlocutory Application No. 01 of 2025.

3. Permission is accorded.



4. Accordingly, the I.A. No. 01 of 2025 stands dismissed as withdrawn.

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5. Despite of valid service of notice, no one appears on behalf of the Respondent No. 2.

6. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 08.07.2024 passed by the learned Additional Sessions Judge-1st, Jamui in ABP No. 895 of 2024 in connection with Khaira P.S. Case No. 67 of 2024, F.I.R. dated 17.02.2024 registered under Sections 147, 148, 149, 341, 323, 325, 504, 506 of the Indian Penal Code and Sections 3(i)(r) and 3(i)(s) of the Scheduled Castes and Scheduled Tribes Act.

7. According to the prosecution case, the appellants along with other co-accused persons are said to have abused the informant by taking his caste name and also assaulted him and others by means of iron rod.

8. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. He further submits that although the appellants are named in the



FIR, but from a bare perusal of the FIR, it appears that the specific allegation of assault has been attributed against the co-accused persons, namely, Ashok Sah and Pawan Sah and there is no specific allegation of any assault or overt act or abusing attributed against these appellants.

9. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.

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

11. Considering the aforesaid facts and circumstances, the appellants have clean antecedent, there is no specific allegation of any assault or overt act or abusing attributed against these appellants and specific allegation of assault has been attributed against the co-accused persons, let the appellants, above named, in the event of their arrest to 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 surities of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, Jamui in ABP No. 895 of 2024 in connection with Khaira P.S. Case No. 67 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2)



of the Bhartiya Nagarik Suraksha Sanhita, 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 tampers 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.

12. Accordingly, the impugned order is set aside and this appeal stands allowed.

**(Rajesh Kumar Verma, J)**

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