

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3699 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- NIRMALI District- Supaul

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1. Mukesh Kumar Son of Dhanik Lal Mehta R/V- Village- Bela Singaar Moti, Domuhan Tola, Ward No. 01, P.S.- Nirmali, Distt.- Supaul
 2. Pradeep Kumar @ Pradeep Kumar Mehta son of Ram Chandra Mehta @ Ram Chandra Mehta R/V- Village- Bela Singaar Moti, Domuhan Tola, Ward No. 01, P.S.- Nirmali, Distt.- Supaul
 3. Nitish Kumar son of Ram Kumar Mehta R/V- Village- Bela Singaar Moti, Domuhan Tola, Ward No. 01, P.S.- Nirmali, Distt.- Supaul
 4. Inardeo Kumar @ Indradeo Mehta @ Indradev Kumar Son of Kishri Mehta @ Bechu Mehta R/V- Village- Bela Singaar Moti, Domuhan Tola, Ward No. 01, P.S.- Nirmali, Distt.- Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Kundan Kumar Son of Sri Ishki Lal Chaupal R/V- Village- Dighiya, Ward No. -05, P.O.- Dighiya, P.S.- Nirmali, Distt.- Supaul

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kuldeep Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-06-2025 Heard Mr. Kuldeep Kumar, learned counsel for the appellants as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. Despite valid service of notice upon Respondent No.2, no one appeared on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 18.03.2024 passed by the learned Court of Additional Sessions



Judge-1st -cum-Special Judge-SC/ST, Supaul, in A.B.A. No-258/2024 in connection with Nirmali P.S. Case No. 263 of 2023, F.I.R. dated 29.11.2023 registered under Sections 341, 323, 354, 379 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that on 28.11.2023, when he was going to school on motorcycle, the appellants along with other accused persons arrived and abused and assaulted him by means of kicks and fists and snatched Rs.12,000/- from his pocket. When his parents came to rescue him, the accused persons assaulted his mother by means of *fattha*.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. It appears from FIR that due to some petty dispute the present occurrence took place and there is no specific allegation of assault or overt act against these appellants rather the allegation levelled against them is general and omnibus. Although the informant and his mother received injury but their injury which is recorded in paragraph-78 of the case diary suggest that injury is simple in nature.

6. Learned Special Public Prosecutor for the State has



vehemently opposed the prayer for bail of the appellants.

7. 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.

8. Considering the aforesaid facts and circumstances, 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) with two surities of the like amount each to the satisfaction of learned Court of Additional Sessions Judge-1st -cum-Special Judge-SC/ST, Supaul, in A.B.A. No-258/2024 in connection with Nirmali P.S. Case No. 263 of 2023, 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.

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

(Rajesh Kumar Verma, J)

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