

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4104 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- PATAHI District- East Champaran

1. Md. Vidhayak Son of Md. Suleman Miyan Resident of Village- Belahi Ram, P.S.- Patahi, Distt.- East Champaran, Motihari
2. Md. Chhote Miyan @ Chhotu Alam @ Md. Chhotu Alam Son of Suleman Miyan Resident of Village- Belahi Ram, P.S.- Patahi, Distt.- East Champaran, Motihari
3. Md. Suleman Miyan Son of Late Roza Miyan Resident of Village- Belahi Ram, P.S.- Patahi, Distt.- East Champaran, Motihari

... .. Appellant/s

Versus

1. The State of Bihar
2. Ravi Shankar Kumar Son of Late Jitu Baitha Resident of Village- Mirjapur, P.S.- Patahi, Distt.- East Champaran, Motihari

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Dhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State, and learned counsel for the informant.

2. After some arguments, learned counsel for the appellants prays for and is permitted to withdraw the application with respect to appellant no. 1, namely, Md. Vidhayak.

3. Accordingly, the appeal stands dismissed as withdrawn with respect to appellant no. 1.

4. The interim order dated 30.09.2024 with respect to



appellant no. 1 stands vacated.

5. The appellant no. 1 is directed to surrender within a period of four weeks, failing which the Superintendent of Police, East Champaran, shall take all steps to arrest the appellant no. 1.

6. Let a copy of this order be communicated through FAX to the S.P., East Champaran, for its compliance forthwith.

7. Now, this appeal is restricted to appellant nos. 2 and 3.

8. This appeal has been preferred against the order dated 14.08.2024, passed by the learned Court of Special Judge, S.C./S.T. Act, East Champaran, Motihari, in connection with A.B.P. No. 3207 of 2024, arising out of Patahi P.S. Case No. 155 of 2024, registered for the offences under Sections 341, 323, 366, 379, and 504 of the Indian Penal Code, Section 3(i)(r) of the S.C./S.T. (Prevention of Atrocities) Act, and Section 67 of the I.T. Act, by which the prayer for anticipatory bail of the appellants was rejected.

9. As per the prosecution case, the appellant nos. 2 and 3 are the brother and father of appellant no. 1 and it has been submitted that they have been falsely implicated only because of their relationship with appellant no. 1. The thrust of



the allegation is against appellant no. 1.

10. Learned counsel for the appellants submits that the appellants have been falsely implicated in this case and no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against them; hence, the application for anticipatory bail is maintainable.

11. Learned counsel for the informant has vehemently opposed the prayer for anticipatory bail.

12. From a perusal of the F.I.R., it appears to be a mala fide prosecution against appellant nos. 2 and 3 and it does not appear that the alleged occurrence was committed against the informant on the ground that he belongs to the S.C./S.T. community.

13. Considering the rival submissions of the parties and upon perusal of the record, this appeal is allowed, and accordingly, the order dated 14.08.2024 passed by the learned Court of Special Judge, S.C./S.T. Act, East Champaran, Motihari, in connection with A.B.P. No. 3207 of 2024 arising out of Patahi P.S. Case No. 155 of 2024, is set aside.

14. Let the appellant nos. 2 and 3, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge, S.C./S.T. Act, East Champaran, Motihari / concerned Court below, in connection with A.B.P. No. 3207 of 2024 arising out of Patahi P.S. Case No. 155 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.).

(Sandeep Kumar, J)

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