

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4483 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- SC/ST District- Munger

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1. Mohammad Faiyaz @ Md. Faiyaz @ Feku son of Mohammad Kasim Village -Topkhana Bazar PS -Kotwali Distt -Munger
 2. Mohammad Naiyar Khan @ Md. Meena @ Minu son of Mohammad Jamal Uddin Village -Topkhana Bazar PS -Kotwali Distt -Munger
 3. Mohammad Nihal Khan @ Md. Nehal Khan @ Md. Nehal Nagged Son of Mohammad Jamal Uddin Village -Topkhana Bazar PS -Kotwali Distt -Munger
 4. Mohammad Nasir Khan @ Md. Nasir @ Md. Fissu @ Md. Kishu Son of Mohammad Nihal Khan @ Md. Nehal Khan @ Md. Nehal Village -Topkhana Bazar PS -Kotwali Distt -Munger

... .. Appellant/s

Versus

1. The State of Bihar
2. Kamni Devi Wife of Raj Kumar Paswan Village - katghar, PS -Kotwali Distt -Munger

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kumar Kamal Nayan
For the Respondent/s	:	Ms. Usha Kumari 1- Spl. P.P.
		None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 23-09-2025 1. Heard the learned counsel for the appellants and the learned Special Public Prosecutor for the State.
2. No one appears on behalf of the respondent no.2.
3. The appellants have challenged the order dated 23.08.2024 passed by the learned Special Judge, SC/ST-cum-A.D.J.-1, Munger in connection with ABP No.1141 of 2024 arising out of SC/ST P. S. Case No.19 of 2024, instituted for the offences under Sections 147, 149, 323, 341, 354, 504, 506 of the Indian



Penal Code and Sections 3(1)(r)(s)(w), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

4. The learned counsel appearing on behalf of the appellants submits that appellants have antecedent of one case, but then, the said case has been instituted at the instance of the owner of the hospital where the informant works as there is land dispute in between the appellants and the owner of the hospital. It is further submitted that appellants have been falsely implicated in the instant case by the informant and all the offences of the I.P.C. are bailable except Section 354 I.P.C. which is not made out in the nature of allegation as alleged in the FIR. Further, prima facie also even no offence under SC/ST Act is made out. It is next submitted that in sum and substance, the allegation as alleged in the FIR is that informant works as a Sweeper in the hospital and on the date of occurrence in the night, the electricity went off, as such, the informant had gone to the backside of the hospital for starting the generator when the appellants objected who reside nearby, on which an altercation took place and it is alleged that the informant was assaulted and abused by the appellants.

5. The learned counsel appearing on behalf of the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that the occurrence took place behind



the hospital and the occurrence was not witnessed by any independent witnesses nor the FIR even remotely suggests that the occurrence was witnessed by any independent witnesses.

6. The learned Special P.P. opposes the anticipatory bail application.

7. Regard being had to the aforesaid submissions, the order dated 23.08.2024 is set-aside.

8. The appeal stands allowed.

9. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST-cum-A.D.J.-1, Munger in connection with ABP No.1141 of 2024 arising out of SC/ST P. S. Case No.19 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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