

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4697 of 2023**

Arising Out of PS. Case No.-67 Year-2019 Thana- SC/ST District- Begusarai

MD. HUSAIN SON OF LATE NAIM R/O VILLAGE - SARAUNJA, P.S.-  
BIRPUR, DISTRICT- BEGUSARAI

... .. Appellant/s

Versus

1. The State of Bihar
2. VIGANDEV PASWAN SON OF LATE JAGO PASWAN R/O VILLAGE -  
SARAUNJA, P.S.- BIRPUR, DISTRICT- BEGUSARAI

... .. Respondent/s

**Appearance :**

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      12-11-2025              1.      Heard learned counsel for the appellant and learned  
Spl. P.P. for the State, Sri Sadanand Paswan.

2.      This is an appeal under Section 14-A(2) of the  
Scheduled Castes and Scheduled Tribes (Prevention of  
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST  
Act”) against the refusal of prayer for anticipatory bail vide  
order dated 31-8-2023 in A.B.P. No. 1817 of 2023 passed by the  
learned Exclusive Special Judge S.C./S.T. (POA) Act, Begusarai  
in connection with SC/ST P.S. Case No. 67 of 2019 registered  
for the offences punishable under Sections 147, 148, 341, 323,  
307, 379 and 149 of the Indian Penal Code as well as Sections  
3(i)(r)(s) of the SC/ST Act.



3. No one appears on behalf of the respondent No. 2.

4. Learned counsel for the appellant submits that appellant is a person with clean antecedent and the informant alleges that on 4-11-2019 at about 9 pm, he heard an alarm, accordingly he came out of his house and saw that all the accused persons including appellant were assaulting his son, namely, Budhmati Kumar, with iron rod, lathi and danda, on account of which he sustained injuries, thereafter Md Azad assaulted his son with lathi on account of which he sustained injuries on eye and cheek and Md. Arshad snatched mobile and cash from his son and thereafter all the accused fled away after abusing by taking caste name.

5. Learned counsel for the appellant submits that the appellant have been falsely implicated in the instant case. It is next submitted that from perusal of the FIR, it would manifest that the date of occurrence is 4-11-2019 and the FIR came to be instituted on 10-11-2019, i.e., after a delay of 6 days without any plausible explanation. It is also submitted that allegation of assault against the appellant is not specific and the entire occurrence took place at the house of the informant, thus was not in public view nor the FIR even remotely suggests that the occurrence was witnessed by any independent witnesses. It is



submitted that since the appellant along with other accused have been implicated falsely, as such respondent No. 2, despite receiving notice, chose not to appear and contest.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

7. Considering the aforesaid facts, let the appellant above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

**(Satyavrat Verma, J)**

Sumit/-

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