

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4801 of 2024**

Arising Out of PS. Case No.-50 Year-2024 Thana- GORADIH District- Bhagalpur

1. Md. Izhar Alam @ Ijhar Alam Son of Md. Wajid Ali @ Wajid Ali R/O Vill.- Pithana, P.S.- Goradih, Dist.- Bhagalpur.
2. Md. Izhar Son of Md. Suleman @ Suleman R/O Vill.- Garhautiya, P.S.- Lodipur, Dist.- Bhagalpur.
3. Md. Gayas Son of Md. Iliyas R/O Vill.- Garhautiya, P.S.- Lodipur, Dist.- Bhagalpur.
4. Md. Mustaque @ Mustaque Son of Md. Manjoor @ Late Manjoor R/O Vill.- Garhautiya, P.S.- Lodipur, Dist.- Bhagalpur.
5. Md. Afzal @ Afzal Son of Mohatasin @ Md. Moto R/O Vill.- Garhautiya, P.S.- Lodipur, Dist.- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Atul Dayal, Advocate  
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      12-11-2025                      Heard Mr. Atul Dayal, learned counsel for the appellants and the State.

2. This appeal has been filed for setting aside the order dated 30.08.2024 passed by learned Additional District & Sessions Judge – III-cum-Special Judge SC/ST Act in connection with Goradih P.S. Case No. 50/2024(Spl. SC/ST Case No. 111/2024) registered for the offence punishable under sections 147, 148, 149, 283, 323, 332, 341, 342, 353, 188, 354, 431, 307, 504 and 506 of the Indian Penal Code and section 3(1)



(r)(s) SC/ST (Prevention of atrocities) Act as well as section 3 and 4 of Prevention of Damage to Public Property Act, 1984 whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution story, the informant alleged that on the information that a road accident has taken place and an infant died on the spot, the Police reached there where the locals/accused persons who had stopped the traffic were requested to lift it. Allegation is that led by Md. Tanvir, after taking note of the name plate, he was abused taking caste name as also tried to assault. When the support vehicle came, they again assaulted the Police. This led to the FIR.

4. Earlier, notice was issued to the respondent no. 2 by the Coordinate Bench and as per the office notes, the same has been validly served.

5. Learned counsel for the appellant submits that a perusal of the FIR would show that allegation is mainly on Md. Tanvir and surprisingly, final form has been submitted against him. So far as the other accused persons including the appellants are concerned, omnibus allegation is there. The further submission is that the only allegation is that caste name was taken and actually what was uttered has not been recorded. The



last submission is that without accepting the allegation and/or the outcome of the present case, they intend to contribute Rs. 3,000/- each (totalling Rs. 15,000/-) for the purchase of flower pot/beautification of the Goradih Police Station issued in the name of Station Head Officer, Goradih Police Station, Bhagalpur through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

6. Learned Spl.P.P. opposes the prayer submitting that not only the caste name was taken, they also tried to assault the Police.

7. Considering the submissions of the parties as also the fact that final form has been submitted against Md. Tanveer, omnibus allegation is against these appellants, a perusal of the FIR would show that *prima facie* case under Section SC/ST Act is not made out against these appellants and they have no criminal antecedent, in that background, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 3,000/- each (totalling Rs. 15,000/-) for the purchase of flower pot/beautification of the Police Station issued in the name of Station Head Officer, Goradih Police Station, Bhagalpur through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.



8. The impugned order dated 30.08.2024 passed by learned Additional District & Sessions Judge – III-cum-Special Judge SC/ST Act, Bhagalpur in connection with Goradih P.S. Case No. 50/2024(Spl. SC/ST Case No. 111/2024) stands set aside and the appeal is allowed.

9. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge – III-cum-Special Judge SC/ST Act, Bhagalpur in connection with Goradih P.S. Case No. 50/2024 (Spl. SC/ST Case No. 111/2024) with following conditions:

(i) one of the bailor should be the family member/relative of the appellants who shall provide official document to show his/her bona fide;

(ii) the appellants shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the appellants shall appear before the concerned



police station every month for six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the appellants shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the appellants shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

**(Rajiv Roy, J)**

Adnan/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

