

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4868 of 2023

Arising Out of PS. Case No.-383 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Khurshid Mian @ Md. Khurshid Son Of Noor Mohammad Miyan @ Noormhamad Miya Resident Of Village- Saidnagar, Ps- Motihari Muffasil, Distt- East Champaran
 2. Raju Miyan @ Md. Raju @ Alishan @ Ahishan Son Of Irsad Miyan @ Md. Irsad Resident Of Village- Saidnagar, Ps- Motihari Muffasil, Distt- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajan Kumar Son Of Shambhu Ram Resident Of Village- Ramgadhwa, Ps- Muffasil, Distt- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rahul Singh, Advocate
For the State : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-06-2025 Heard Mr. Rahul Singh, learned counsel for the appellants, Mrs. Usha Kumari 1, learned Special Public Prosecutor for the State.

2. Learned Spl.P.P has perused the letter dated 08.05.2025 which suggest that the informant has been informed with respect to the present case through the Superintendent of Police, East Champaran, Motihari on 08.05.2025 itself. Despite of that, no one appeared on behalf of the informant (respondent no. 2).

3. This is an appeal under Sections 14(A)(2) against



refusal of the prayer for anticipatory bail by order dated 25.09.2023 passed by the learned Court of Special Judge SC/ST Act, East Champaran, Motihari in ABP No. 4121 of 2023 in connection with Mufassil P.S. Case No. 383 of 2023, F.I.R. dated 23.05.2023 registered under Sections 143, 341, 323, 379, 504, 506 of the Indian Penal Code and Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the appellants along with other co-accused persons are said to have abused the informant and snatched Rs.10,200/- from his brother's pocket. It is further alleged that they assaulted the informant and his cousins and snatched gold chain from one, Dilip Kumar.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. He further submits that from perusal of the FIR, it appears that the appellants have not abused the informant, the allegation of abuse is against the co-accused, namely, Rahul Singh. It appears that there is no specific allegation against the appellants rather there is general and omnibus allegation against all accused persons including these appellants. Although, the informant has received



injuries but injury report of the informant suggest that the injuries are simple in nature caused by hard and blunt substance.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R and they have assaulted the informant and others.

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 facts and circumstance that appellants have clean antecedent, there is no specific allegation of abuse against the appellants and injury report of the injured persons suggest that injuries are simple in nature, 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) each with two surities of the like amount each to the satisfaction of learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Mufassil P.S. Case No. 383 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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