

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4897 of 2024

Arising Out of PS. Case No.-340 Year-2023 Thana- CHAKIA District- East Champaran

1. Moriam Khatoon Wife of Najim Miyan village- Bansghat, Ps- Chakiya, Dist- East Champaran
2. Noor Jahan Khatoon Wife of Late Ajim Miyan village- Bansghat, Ps- Chakiya, Dist- East Champaran
3. Mustafa Alam @ Mustua Alam son of Najim Miyan village- Bansghat, Ps- Chakiya, Dist- East Champaran
4. Md. Irfan Son of Late Ajim Miyan village- Bansghat, Ps- Chakiya, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajkishore Ram Son of Late Harihar Ram village- Bansghat, Ps- Chakiya, Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Suraj Kumar Tiwari, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For the Informant	:	Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-11-2025 Heard learned counsel for the appellants, respondent
no. 2 and the State.

2. This appeal has been filed against the order dated 07.09.2024 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari in ABP No. 3381 of 2024 arising out of Chakiya P.S. Case No. 340 of 2023 registered under Sections 341, 323, 324, 307, 379, 504, 506, 34 of the Indian Penal Code and Section 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of appellants has been rejected.

3. As per F.I.R., on the alleged date and time, when informant was at his shop, all the named accused persons including these appellants assaulted him with sword, spear and axe inflicting serious injuries on his head, leading to 12 stitches and also dragged him towards the house in order to kill him. Informant further alleged that the accused persons also abused him by caste name and looted Rs. 20,000/- from this shop and a silver locket from the neck of his wife.

4. Learned counsel for the appellants submits that both parties are co-villagers and due to petty dispute, this false and concocted case has been lodged against these appellants. Allegation of assault against appellants is general and omnibus and there is no specific allegation of any overt act against them. He further submits that the alleged incident took place inside the shop of informant and not within public view and as such, no case under SC/ST Act is made out against the appellants. Rest of the allegations are ornamental in nature.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the aforesaid facts, let the appellants,



as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran, Motihari in ABP No. 3381 of 2024 arising out of Chakiya P.S. Case No. 340 of 2023.

7 Accordingly, this criminal appeal is allowed and impugned order dated 07.09.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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