

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4963 of 2023

Arising Out of PS. Case No.-469 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Chandan Kumar Mahto S/O Hiranman Mahto R/O Village- Karinga Musehari, P.S- Chapra Mufassil, Distt.- Saran.
2. Ranjan Kumar S/O Hiranman Mahto R/O Village- Karinga Musehari, P.S- Chapra Mufassil, Distt.- Saran.
3. Vishal Kumar S/O Narsingh Mahto R/O Village- Karinga Musehari, P.S- Chapra Mufassil, Distt.- Saran.
4. Nitesh Kumar S/O Late Anwat Mahto R/O Village- Karinga Musehari, P.S- Chapra Mufassil, Distt.- Saran.
5. Kundan Kumar S/O Hira Mahto R/O Village- Karinga Musehari, P.S- Chapra Mufassil, Distt.- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lilawati Devi W/O Shree Kishun Choudhri R/O Village- Karinga Musehari, P.S- Chapra Mufassil, Distt.- Saran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ankur Prakash Sinha, Advocate
For the State : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-06-2025 Heard Mr. Ankur Prakash Sinha, learned counsel for the appellants, Mrs. Usha Kumari 1, learned Special Public Prosecutor for the State.

2. Despite of valid service of notice upon respondent no.2, 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



16.09.2023 passed by the learned Court of Exclusive Special Judge (SC/ST), Chapra, Saran in ABP No. 3069 of 2023 in connection with Mufassil P.S. Case No. 469 of 2023 F.I.R. dated 17.06.2023 registered under Sections 341, 323, 324, 325, 379, 427/34 of the Indian Penal Code and Sections 3 (i) (r) (s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (POA) Act.

4. According to the prosecution case, the appellants along with 8-10 unknown accused persons armed with rod, danda, farsa, bricks and sword came to the informant and abused her by taking her caste name and they also assaulted her and torn her clothes. It is further alleged that one co-accused snatched gold chain of the informant and threatened her.

5. Learned counsel for the appellants submits that appellant no. 2 has clean antecedent, appellant no. 1 has two criminal antecedent, appellant nos. 3, 4 and 5 have one criminal antecedent other than the present one 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. From perusal of the FIR, it appears that there is no specific allegation of any assault or overt act or abusing against



the appellants rather there is general and omnibus allegation against all the accused persons including these appellants. So far as injury is concerned, it appears from the impugned order itself that injuries as mentioned in paragraph 32 of the case diary suggest that 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 apart from that except appellant no. 2, other appellants have criminal antecedents.

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 there is no specific allegation of assault, abuse or overt act against the appellants rather there is general and omnibus allegation against all accused including these appellants and injury report of the suggest that injuries are simple in nature caused by hard and blunt substance, 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 Exclusive Special Judge (SC/ST), Chapra, Saran in connection with Mufassil P.S. Case No. 469 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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