

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5168 of 2023

Arising Out of PS. Case No.-275 Year-2022 Thana- ALAMNAGAR District- Madhepura

CHUNCHUN MEHTA @ CHUNNU MEHTA SON OF SURENDRA
MEHTA @ BADUL MEHTA @ SULO MEHTA RESIDENT OF VILLAGE -
MADHATPUR BASA, WARD NO.13, P.S. - ALAMNAGAR, DISTRICT -
MADHEPURA

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Kumar Giri, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2025 Heard Mr. Jitendra Kumar Giri, learned counsel for

the appellant as well as Mrs. Usha Kumari 1 learned Spl.P.P. for

the State.

2. Learned Spl.PP has informed this Court that she has
informed the informant about the present case.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
15.09.2023 passed by the learned Court of Additional District &
Sessions Judge-I-cum-Special Judge, Madhepura in connection
with Alamnagar P.S. Case No. 275 of 2022, F.I.R. dated
06.11.2022 registered under Sections 147, 148, 149, 341, 342,
323, 307, 224, 225, 354B, 332, 353, 333, 504, 506 of the Indian
Penal Code and Sections 3(1)(r)(s)/3(2va) of the Scheduled



Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that when he along with his police team went to arrest one accused, namely, Vinay Kumar, the appellant including 200-250 unknown persons attacked the police team and abused the informant by taking his caste name.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. From bare perusal of the FIR it transpires that there is no specific allegation of assault or overt act or use of abusive language rather the allegation levelled against the accused persons including the appellant is general and omnibus and apart from that injury report of the injured persons suggest that injury is 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 appellant.

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 aforesaid facts and circumstances, appellant has clean antecedent and there is no specific allegation against the appellant, let the appellant, above named, in the event of his 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) with two surities of the like amount each to the satisfaction of learned Court of Additional District & Sessions Judge-I-cum-Special Judge, Madhepura in connection with Alamnagar P.S. Case No. 275 of 2022, 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. Appellant 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant 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 appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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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