

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5339 of 2023

Arising Out of PS. Case No.-132 Year-2023 Thana- CHANDAUTI District- Gaya

Mohammad Nawab @ Md. Nawab Son Of Md. Yunus R/O Mohalla- Shahmir
Takya (Samir Takya), P.S.- Civil Lines, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonu Kumar Son of Arun Paswan Resident of Village- Katari, P.S.-Chanduti,
District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. N. A. Shamsi, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-07-2025 Heard Mr. N.A. Shamsi, learned counsel for the

appellant and Mr. Sadanand Paswan, learned Special Public

Prosecutor for the State.

2. Despite of entered appearance through the
Vakalatnama, no one appeared on behalf of the respondent no.
2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
03.10.2023 passed by the learned Special Judge (SC/ST Act)
Gaya, in ABP No. 1558 of 2023 in connection with Chandauti
P.S. Case No. 132 of 2023, F.I.R. dated 21.02.2023 registered
under Sections 302 and 34 of the Indian Penal Code and Section



27 of Arms Act and later on at the time of submission of the charge-sheet Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes Act was incorporated.

4. According to the prosecution case, the appellant got the information that his father when gone for morning walk was shot dead and it is further stated that different types of disputes were going on between the parties.

5. Learned counsel for the appellant submits that appellant is not named in the F.I.R. and the name of the appellant has been transpired during investigation and on the basis of suspicion, which is mentioned in the Paragraph 69 of the Case Diary. He further submits that the statement of one Sonu Quereshi has been recorded in Paragraph No. 133 of the Case Diary in which he as stated that Md. Parwez, Md. Amanullah and Sonu Quereshi have killed the deceased and although the appellant has criminal antecedent but no cogent material has come during investigation against the appellant except the aforesaid to suggest the involvement of the appellant in the present occurrence and apart from that initially in the F.I.R. the SC/ST Act was not incorporated but during the investigation, the SC/ST Act has been incorporated by the Investigating Officer and apart from that in Paragraph No. 168



of the Case Diary, suggests that the co-accused persons Md. Parwez, Md. Amanullah and Sonu Quereshi have been involved in the present crime in question.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that the appellant carries four cases other than the present one but fairly submits on the basis of Paragraph 3 of the bail petition that the appellant is on bail on three cases out of four cases.

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. Hence, 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 Special Judge (SC/ST Act) Gaya in connection with Chandauti P.S. Case No. 132 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. 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)

Jyoti Kumari/-

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