

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5442 of 2023

Arising Out of PS. Case No.-268 Year-2022 Thana- MEHSI District- East Champaran

1. Naresh Rai @ Ram Naresh Yadav Son of Dinanath Rai R/o vill - Kataha, P.S. - Mehshi, Distt. - East Champaran
2. Mukesh Rai @ Mukesh Kumar Son of Dinanath Rai R/o vill - Kataha, P.S. - Mehshi, Distt. - East Champaran
3. Umesh Yadav @ Umesh Kumar Yadav Son of Bishwanath Rai R/o vill - Kataha, P.S. - Mehshi, Distt. - East Champaran
4. Radha Rai Son of Mahendra Rai @ Mahendra Raj R/o vill - Kataha, P.S. - Mehshi, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Kumar Son of Ramchandra Paswan R/o vill - Amwa Bazar, P.S. - Mehshi, Dist. - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2025 Heard Mr. Abhishek Kumar, learned counsel for the appellants and Mrs. Usha Kumari-I, learned Special Public Prosecutor for the State.

2. Learned S.P.P. for the State has informed this Court that she has informed the respondent no. 2 through the Superintendent of Police, East Champaran, Mothihari about the present case despite of that 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 10.10.2023 passed by the learned Speical Judge, SC/ST (POA) Act, East Champaran at Motihari in ABP No. 4745 of 2023 in connection with Mehsi P.S. Case No. 268 of 2022, F.I.R. dated 08.09.2022 registered under Sections 341, 323, 324, 354(B), 379, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act (POA).

3. According to the prosecution case, all these appellants over a petty dispute, assaulted the respondent no. 2 and his family members and also abused them by taking their caste name.

4. 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 it appears from the F.I.R. that the occurrence has taken place at the house of the informant, hence the provision under the SC/ST Act shall not be attracted and apart from that it appears from the F.I.R. that although the appellants are named in the F.I.R. but there is no specific



allegation of assault against these appellants rather there is general and omnibus allegation against all the accused persons including these appellants and the present occurrence has been taken place due to money dispute.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.

6. 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.

7. Considering the aforesaid fact, the appellants have clean antecedent and there is no specific allegation of any assault or over act against these appellants, 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) with two surities of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Mehsi P.S. Case No. 268 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. 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.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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