

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5441 of 2023

Arising Out of PS. Case No.-244 Year-2023 Thana- DALSINGHSARAI District- Samastipur

MD. MUNNA @ MD. FAIYAZ SON OF MD. NATHO @ MD. IBRAHIM
RESIDENT OF VILLAGE - KAMRAWN, P.S. - DALSINGH SARAI,
DISTRICT - SAMASTIPUR

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. NIRAJ KUMAR SON OF DHANESHWAR MAHTO RESIDENT OF
VILLAGE - SAHWAJPUR MAHNAIYA, WARD NO.14, P.S. -
DALASINGSARAI, DISTRICT - SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surya Narayan Roy, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-06-2025 Heard Mr. Surya Narayan Roy, learned counsel for

the appellant and Mr. Sadanand Paswan, learned Special Public

Prosecutor for the State.

2. Learned Spl.P.P has informed this Court that he has
informed respondent no. 2 through Superintendent of Police,
Samastipur regarding the present case on 09.05.2025. Despite of
that no one appeared on behalf of Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
25.09.2023 passed by the learned Court of Special Judge, SC/ST
(POA) Act, Samastipur in A.B.P. No. 3029 of 2023 in
connection with Dalsinghsarai P.S. Case No. 244 of 2023, F.I.R.



dated 10.06.2023 registered under Sections 341, 323, 325, 504, 506/34 of the Indian Penal Code and Sections 3 (1)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the appellant along with other co-accused persons is said to have abused the informant and assaulted him and his father with stick, wicket etc. due to which they got injured.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has 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 appellant has not committed any offences as alleged in the F.I.R. Although, the appellant is named in the FIR, but from perusal of the FIR, it appears that date of occurrence as mentioned in the FIR is 23.05.2023 but FIR was instituted on 10.06.2023 after the delay of 17 days only to implicate the appellant and apart from that it transpires from the FIR that there is no specific allegation of assault or overt act against the appellant and the place of occurrence is the house of the informant (respondent no. 2) which is not a public place, so no case is made out against the SC/ST Act against the appellant.

6. Learned Special Public Prosecutor for the State has



vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the F.I.R.

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 circumstances of the case that the appellant has clean antecedent, there is no specific allegation against the appellant and occurrence took place in the house of the informant which is not a public place so no case is made out against SC/ST Act, 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 (POA) Act, Samastipur in connection with Dalsinghsarai P.S. Case No. 244 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 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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