

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5503 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- SC/ST District- East Champaran

1. Juvaaid Alam @ Jubair Alam @ Juvir Alam, S/O Najarudin Miya.
 2. Parwej Alam S/O Diljan Miya.
 3. Javed Alam S/O Diljan Miya.
 4. Tabrej Alam S/O Diljan Miya.
 5. Najarudin Miya @ Md. Najarudin Miya @ Md. Najarudin, son of late Wakil Miya.
 6. Diljan Miya S/O Late Wakil Miya @ Late Wakil Miyan.
 7. Md. Saheb Miya @ Md. Saheb Jan, S/O Late Wakil Miya.
- All are resident of Village - Chargaha, P.S.- Turkauliya, Dist.- East Champaran.

... .. Appellants

Versus

1. The State of Bihar
2. Lalmuni Devi W/O Suresh Ram R/O Vill.- Chargaha, P.S.- Turkauliya, Dist.- East Champaran.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Abhishek Kumar
For the Respondents	:	Mr. Binay Krishna, Spl. P.P. Mr. Manjeet Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 10-11-2025 Heard learned counsel for the appellants, learned
Spl. P.P. for the State and learned counsel for the informant.

2. This appeal is preferred against the order dated 03.09.2024 passed by the learned Special Judge, S.C./S.T. Act, East Champaran, Motihari, in connection with Motihari S.C./S.T. P.S. Case No.51 of 2024 registered for the offence under sections 341, 323, 354, 379, 504, 34 of the Indian Penal



Code and under sections 3(1)(r)(s) of the S.C./S.T. Act, by which the prayer of the appellants for grant of anticipatory bail has been rejected.

3. The allegation against the appellants is of abusing the informant by taking her caste name due to previous enmity.

4. Learned counsel for the appellants submits that the F.I.R. has been lodged after 29 days of the alleged occurrence and in the F.I.R. no reason for the aforesaid delay been been mentioned.

5. Learned counsel for the State and the informant has opposed the prayer of the appellants for grant of bail.

6. I have considered the submissions of the parties and perused the materials on record.

7. From reading of the present F.I.R. it appears that the occurrence is said to have taken place on 19.06.2024 but the F.I.R. has been lodged by the informant only on 19.07.2024 i.e. after a delay of one month that too without any cogent and reasonable explanation, which is damaging the case of the prosecution.

8. In view of the above, this appeal is allowed.



Accordingly, the impugned order dated 03.09.2024 passed by the learned Special Judge, S.C./S.T. Act, East Champaran, Motihari is hereby set aside.

9. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, S.C./S.T. (POA) Act, East Champaran, Motihari / concerned Court, in connection with Motihari S.C./S.T. P.S. Case No.51 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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