

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5439 of 2024

Arising Out of PS. Case No.-821 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Vimal Kumar S/O Bhola Prasad Resident of Village- Laxmi Tola, P.S.-
Muffasil Motihari, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Krishna Das S/O Ram Lochan Das R/O Village- Laxman Tola, P.S- Muffasil
Motihari, Distt.- East Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Prasad, Adv

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-11-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 12.11.2024 passed by learned Special Judge SC/ST Act, East Champaran, Motihari in ABP No. 4869 of 2024 in connection with Muffasil Motihari P.S. Case No. 821 of 2023 for the offence punishable under sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per the prosecution case, all the F.I.R.-named accused persons, including this appellant, abused the



informant by caste name and also assaulted him by shoes, spat upon him, tore his clothes, and also took away his gold chain worth Rs. 85,000/- . It is further alleged that co-accused Vinod Prasad took out Rs. 2000/- from the pocket of the informant and also threatened him with dire consequences.

4. It is submitted that from F.I.R., it is apparent that the appellant is a student and reads in B.A. Part I and he is also a member of the BJP, whereas the informant is the RJD leader as *Zila Parishad*, and due to political rivalry, this false and concocted case has been lodged against this appellant. The allegation of assault against the appellant is general and omnibus. The rest of the allegation is ornamental in nature. All sections are bailable except 379 IPC and 3(i)(r) (s) Sc and ST Act, which are not attracted against this appellant. F.I.R. does not disclose that the alleged incident and abuses were uttered within public view, as such, no case under the SC/ST Act is made out. Appellant found involved in two more cases, where he is on bail.

5. Counsel for the State as well as respondent No. 2



opposed the prayer for bail and submitted that petitioner is named in the F.I.R. and he alongwith other co-accused persons assaulted him by shoes, spat upon him, assaulted him by shoes, spat upon him, tore his clothes, and also took away his gold chain worth Rs. 85,000/- .

6. Notice issued against informant/O.P. No. 2, but was refused to accept, accordingly same deemed validly served upon O.P. No. 2.

7. Considering the factual submission and by taking note of the fact as present occurrence took place prima-facie in the background of political disputes and differences, where similarly situated co-accused namely Rohit Kumar has been granted bail by learned Co-ordinate Bench of this Court through Cr. Misc. No. 1467 of 2024 vide order dated 09.08.2024 and moreover investigation of this case already concluded on all material aspects, which prima-facie suggest that alleged incident/abuse not uttered within public view, this appeal is allowed and the impugned order is set aside, appellant, named above, in the event of his arrest/surrender within a period of four weeks from the date of



receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/St (POA) Act East Champaran Motihari in connection with ABP No. 4869 of 2024 arising out of Muffasil Motihari Police Station Case No. 821 of 2023 .

8. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J.)

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