

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5610 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- KARJA District- Muzaffarpur

Rahul Kumar S/o Lakhendra Prasad Yadav @ Lakhindra Rai R/o VILLAGE-
MAHMMADPUR KHAJE, P.S-KARJA, DISTRICT-MUZAFFARPUR.

... .. Appellant/s

Versus

1. The State of Bihar
2. Suresh Kumar Ram S/o Parmeshwar Ram R/o village-Pratappur, P.S-
Karja, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ganesh Prasad Singh, Advocate
For the Resp. No.2	:	Mr. Santosh Kumar, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-06-2025 Heard Mr. Ganesh Prasad Singh, learned counsel for
the appellant, Mr. Santosh Kumar, learned counsel for the
Respondent No.2 as well as Mrs. Usha Kumari 1, learned Spl.P.P.
for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
07.11.2023 passed by the learned Court of Special Judge, SC/ST
Act, Muzaffarpur in A.B.P. No. 4173 of 2023 arising out of Karja
P.S. Case No. 88 of 2023, F.I.R. dated 11.03.2023 registered under
Sections 341, 323, 504, 506 of the Indian Penal Code and Sections
3(1)(r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant
alleged that on 09.03.2023, when he went at egg shop of Manish



Kumar, the appellant along with other accused persons were standing there and they abused and assaulted the informant by but of pistol and rod.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case due to previous enmity. He further submits that although the appellant is named in the FIR but from bare perusal of Annexure-2, it appears that the informant was admitted in S.K.M.C.H. Muzaffarpur on 06.03.2023 and discharged from hospital on 10.03.2023. He further submits that when the informant was in hospital till 10.03.2023, how the occurrence took place on 09.03.2023. It appears that the present FIR is instituted only to harass and falsely implicate the appellant.

5. Learned Special Public Prosecutor for the State and learned counsel for Respondent No.2 have vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the FIR.

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 facts and circumstances and the fact that informant was admitted in S.K.M.C.H. Muzaffarpur on 06.03.2023 and discharged from hospital on



10.03.2023 and he lodged the present FIR stating that the occurrence took place on 09.03.2023 is not correct in eye of law , 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 Court of Special Judge, SC/ST Act, Muzaffarpur in connection with Karja P.S. Case No. 88 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.

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

(Rajesh Kumar Verma, J)

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