

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5685 of 2023

Arising Out of PS. Case No.-368 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Md Shamruddin SON OF MD. USMAN RESIDENT OF VILLAGE-
RASALPUR PATHAN, P.S.-MUFASSIL, SAMASTIPUR, DISTRICT-
SAMASTIPUR
 2. ZINAT KHATOON D/O -SHAMRUDDIN RESIDENT OF VILLAGE-
RASALPUR PATHAN, P.S.-MUFASSIL, SAMASTIPUR, DISTRICT-
SAMASTIPUR
 3. MD. AFSAR @ RAJA @ AFSAR SON OF MD. IDRIS RESIDENT OF
VILLAGE- RASALPUR PATHAN, P.S.-MUFASSIL, SAMASTIPUR,
DISTRICT- SAMASTIPUR
 4. MD. MANZAR@ MANZAR KASIM, SON OF LATE SHAMSHUDDIN
RESIDENT OF VILLAGE- RASALPUR PATHAN, P.S.-MUFASSIL,
SAMASTIPUR, DISTRICT- SAMASTIPUR

... .. Appellant/s

Versus

1. The State of Bihar
2. POONAM DEVI W/O- PAPPU RAM RESIDENT OF VILLAGE-
RASALPUR PATHAN, P.S.-MUFASSIL, SAMASTIPUR, DISTRICT-
SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Niranja Kumar, Advocate
For the Resp.No.2	:	Mr. Raghubir Chandrayan, Advocate
	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 01-07-2025 Heard Mr. Niranja Kumar, learned counsel for the

appellants, Mr. Raghubir Chandrayan, learned counsel for the

Respondent No.2 as well as Mr. Sadanand Paswan, 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 30.09.2023



passed by the learned Court of Special Judge SC/ST (POA) Act Samastipur in A.B.P. No. 2964 of 2023 arising out of Muffasil P.S. Case No. 368 of 2023, F.I.R. dated 28.07.2023 registered under Sections 447, 341, 323, 324, 354/34 of the Indian Penal Code and Sections 3(s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that the appellants used to abuse her by her caste name. On 26.07.2023, the appellants came with *lathi* and threatened her. On protest, they assaulted the informant and her son.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. The present case is counter blast of Samastipur(M) P.S. Case No. 367 of 2023 filed by the appellants side against the informant and her family members. It appears that due to some petty dispute the present occurrence has taken place. It appears from the FIR that although the appellants are named in the FIR but there is no specific allegation of assault or overt act or abusing by caste name against them rather the allegation levelled against them are general and omnibus and apart from that it appears from the FIR that the occurrence took place in the house of the informant which is not a public place, so no case is made out under SC/ST Act.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent No.2 have vehemently opposed the prayer for bail of the appellants and submits that there is specific



allegation against the appellants that they assaulted the informant and her family members.

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, appellant have clean antecedent and there is case and counter case between the parties and there is no specific allegation against the appellants and the occurrence took place in the house of the informant which is not a public place, so no case is made out under SC/ST Act, 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 Court of Special Judge SC/ST (POA) Act Samastipur in connection with Muffasil P.S. Case No. 368 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. 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)

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