

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.116 of 2024

Arising Out of PS. Case No.-733 Year-2023 Thana- SARAIYA District- Muzaffarpur

1. Niraj Kumar Son of Nageshwar Rai R/o vill - Sadikpur Manikpur, P.S. - Saraiya, Distt. - Muzaffarpur
2. Nageshwar Rai Son of Late Raghunandan Rai R/o vill - Sadikpur Manikpur, P.S. - Saraiya, Distt. - Muzaffarpur
3. Vijay Rai Son of Late Chandeshwar Rai R/o vill - Sadikpur Manikpur, P.S. - Saraiya, Distt. - Muzaffarpur
4. Pawan Kumar Son of Ramnath Rai R/o vill - Sadikpur Manikpur, P.S. - Saraiya, Distt. - Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Awdhesh Paswan son of Yogendra Paswan R/o vill - Sadikpur Karihara, P.S. - Saraiya, Distt. - Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-06-2025 Heard Mr. Manoj Kumar, learned counsel for the appellants as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. Despite valid service of notice upon Respondent No.2, 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 14.12.2023 passed by the learned Court of Special Judge, SC/ST (POA) Act, Muzaffarpur passed in A.B.P. No. 4486 of 2023 in



connection with Saraiya P.S. Case No. 733 of 2023, F.I.R. dated 27.10.2023 registered under Sections 341, 342, 323, 354(B), 379, 365, 506/34 of the Indian Penal Code and Sections 3(1)(r) , 3(1)(s), 3(1)(w) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that appellants came on motorcycles and assaulted his wife and snatched her mangal sutra, two jitiya and khotila of nose and forcibly took the informant along with one Ashok Ram and assaulted them.

5. Learned counsel for the appellants submits that appellants are innocent and they have 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. From bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act against them rather the allegation levelled against them are general and omnibus.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and apart from that, the appellant no.2 to 4 have clean antecedent and appellant no.1 carries two criminal antecedents other than



the present one but fairly submits on the basis of paragraph-3 of the bail application that he is on bail in the pending matters.

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 aforesaid facts and circumstances, appellant no.2 to 4 have clean antecedent and there is no specific allegation of any assault or overt act against them, 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, Muzaffarpur in connection with Saraiya P.S. Case No. 733 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.

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

(Rajesh Kumar Verma, J)

Suruchi/-

U		T	
---	--	---	--

