IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2175 of 2025

CNR No. BRHC010550922025

Arising Out of PS. Case No.-233 Year-2024 Thana- MOTIHARI TOWN District- East Champaran

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Shahil @ Sabre Alam S/o Raiyazul Mian R/o Singhiya Sagar, P.S.-Banjariya, Dist- East Champaran

... ... Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar Raut S/o Jhuna Raut R/o Mohalla Raja Bazar Begampur, P.S-Motihari Town, District-East Champaran

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Dhannjay Kumar Ii, Adv
For the Respondent/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

6 28-10-2026 **1.** Heard learned counsel for the appellant and learned APP.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the "SC/ST Act") against the refusal of prayer for anticipatory bail vide order dated 25.4.2025 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champaran Motihari in connection with Motihari Town P.S. Case No. 233 of 2024 registered for the offences punishable under Sections 341, 323, 379, 506, 504 and 34 of the IPC as well as Sections 3(1)(r)(s)va of the SC/ST Act.

3. Learned counsel for the appellant submits that from perusal of the office report, it would manifest that the notice has

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been received by the brother of the informant. It is next submitted that since brother of the informant has received the notice, it is deemed to be validly served.

4. The Court is in complete concurrence with the submission made by learned counsel appearing on behalf of the appellant.

5. Learned counsel for the appellant submits that appellant has antecedent of one case and the informant alleges that on 21.4.2024 at 9:45 PM, he along with his friend (Subham) were roaming in Disneyland exhibition, where Sabre Alam and Soheb along with 4 unknown accused persons were also present and they abused and pushed them, it is next alleged that accused persons abused him by taking caste name and also assaulted with sticks, further Soheb assaulted informant's friend, Subham, by an iron rod causing injury and appellant snatched chain from neck of the informant.

6. Learned counsel for the appellant submits that the appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that appellant and the informant were known to each other. It is further submitted that at Disneyland, an altercation took place in which both sides assaulted each other. It is also submitted that occurrence took place not on

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account of the fact that informant belongs to SC community but for the reason that informant got pushed as the crowd was heavy and the informant felt that pushing was intentional hence an altercation took place. It is thus submitted that this perhaps explains why respondent no. 2, despite receiving notice, chooses not to appear and contest.

7. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellant.

8. Considering the aforesaid facts, let the appellant above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

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