

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.914 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- GWALPARA District- Madhepura

BIDUR KUMAR @ BIDUR YADAV S/o Raj Kumar Yadav R/o village-
Biswari, P.S.- Gwalpara, District- Madhepura... .. Appellant/s
Versus

1. The State of Bihar
2. Santu Kumar Ram S/o Late Shyam Lal Ram R/o village- Biswari, Ward No.
4, P.S.- Gwalpara, District- Madhepura Respondent/s

Appearance :

For the Appellant/s : Mr.Devesh Shankaran, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-12-2022 It appears from the office note dated 19.10.2022,
notice has been validly served upon respondent No.2.

Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the appellant and learned Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 19.01.2022 in A.B.P. No.1199 of 2021 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge, Madhepura in connection with Gwalpara P.S.Case No.96 of 2021/SC/ST-46 of 2021 registered under



Sections 147,148,149,341,323,324,384,307,302 of the Indian Penal Code and Section 27 of Arms Act as well as under Sections 3(2)(v)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

The prosecution case, in short, is that the allegation against the appellant is only that he assaulted with dagger on thigh and on both arm to the father of the informant.

Learned counsel for the appellant submits that the appellant has clean antecedent. He has falsely been implicated in the present case. Further submits that it appears from the FIR that the specific allegation against the appellant is that he assaulted the father of the informant with dagger on thigh. Further submits that there is other injury also inflicted on the father of the informant by the other accused persons and injury report suggests that the injury caused by sharp cutting weapon and hard and blunt substance.

The learned Spl.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellant.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

Hence, let the appellant, above named, in the event



of his arrest or 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 sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

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.

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

(Rajesh Kumar Verma, J)

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