

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1510 of 2022**

Arising Out of PS. Case No.-201 Year-2021 Thana- TEKARI District- Gaya

BHOLI KAHAR @ SAURABH KUMAR @ SAURABH KAHAR S/o Suraj
Kahar R/o Village- Ander Kila, P.S.- Tekari, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Naresh Ravidas S/o Parmeshawar Ravidas R/o Village- Andarkila, P.S.- Tekari, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

6 08-12-2022 Despite valid service of notice upon respondent no. 2,
the informant did not appear before this Court.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from today.

Heard learned counsel for the appellant and learned
Special Public Prosecutor 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 26.03.2022 in A.B.P. No. 44 of 2022 passed by
the learned Exclusive Special Judge, SC/ST, Gaya in connection



with Tekari P.S. Case No. 201 of 2021 registered under Sections 147, 141, 323, 504, 506 of the Indian Penal Code and Sections 3(1) (r) (s), of the SC/ST (POA) Act.

As per prosecution case, in brief, is that on 03.05.2021 at evening the informant was crossing through the house of Vijay Prasad and in the meanwhile accused spitting but he did not respond and when he was returning from the same lane the accused persons abused by saying his caste name Chamar and assaulted the informant.

Learned counsel for the appellant submits that the appellant has clean antecedents and he has been falsely implicated in the present case. He further submits that from bare perusal of the F.I.R. it appears that there is general and omnibus allegation against the appellant and there is no specific allegation of assault or overt act against the appellant and the appellant has not abused the informant by calling his caste name.

Learned Special Public Prosecutor for the State, on the other hand, 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



Scheduled Casts 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 Tekari P.S. Case No. 201 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure along 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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