

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1682 of 2022

Arising Out of PS. Case No.-13 Year-2021 Thana- SC/ST District- Munger

PRINCE SINHA @ BHAIJI S/o Sushil Kumar Sinha Resident of Nandan Niwas, Madhopur, Near Girls School, P.S.- Kotwali, (Basudeopur O.P.), District- Munger.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajit Kumar Singh, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.APP
For the Informant	:	Mr. Suman Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-11-2022 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, learned counsel for the informant 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 31.03.2022 in A.B.P. No.541 of 2022 passed by the learned Additional Sessions Judge-1, Munger in connection with SC/ST P.S.Case No. 13 of 2021 registered under Sections 341,323,308,504,506,34 of the Indian Penal Code as well as under Sections 3(1)(R)(S)(Z) of the Scheduled Castes and



Scheduled Tribes Act.

Allegation against the appellant is that he abused the informant using caste name and objected the mason and labourers to do the work construction of the house of the informant. On protest, appellant hit over the head of informant and he received head injury.

Learned counsel for the appellant submits that the appellant has not taken the caste name of the informant in public view. Further submits that it appears from the FIR that there is general and omnibus allegation has been levelled against the appellant and no offence is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellant. Further submits that the appellant has no intention to abuse the informant in any manner.

The learned counsel for the informant as well as learned Spl.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the appellant and submits that it appears from the FIR itself that the appellant has abused the informant and the specific allegation against the appellant. Further submits that the appellant carries two more cases other than the present one.

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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