

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1716 of 2022**

Arising Out of PS. Case No.-3 Year-2022 Thana- SC/ST BETTIAH District- West
Champaran

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BHOLA DEALER @ SHEIKH BHOLA S/o Late Sheikh Monaf Resident of
Village- Nautanwa, P.S.- Shikarpur, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhotelal Ram Son of Late Ram Bachan Ram R/o vill- Nautanwa Ward no
04, P.S.- Shikarpur, Dist- West Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

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

4 01-12-2022 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 and learned
Spl.P.P. for the State.

It appears from the office note dated 30.11.2022,
notice has validly been served upon respondent No.2 as reported
by process server but no one appears for the respondent No.2.

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 26.04.2022 in A.B.P. No.1150 of 2022 passed by



the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, West Champaran at Bettiah in connection with Bettiah SC/ST P.S.Case No. 03 of 2022 registered under Sections 341,323,354B,379,504,506/34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

The prosecution case, in short, is that the informant alleged that on 29.12.2021 all the accused persons abused him in the name of caste due to previous dispute and assaulted to the informant by lathi, fatta, in the meantime, Sk. Bahram has given farsa blow on the head of the informant due to this head of the informant has been injured. The wife of the informant came for rescue then the accused persons also assaulted her and tore her blouse and snatched 500/- rupees from pocket of the son of the informant.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Further submits that it appears from the FIR that no case is made out against the appellant under the SC/ST Act and so far as allegation of assault to the informant it has come during investigation that the injury of the informant is caused by hard and blunt substance. Further submits that it appears from the



FIR also no case is made out against the appellant under Section 307 of IPC and only Section 323 of IPC is made out against the appellant by the investigating agency.

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

Nitesh/-

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