

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1831 of 2022**

Arising Out of PS. Case No.-473 Year-2021 Thana- GAYA MUFASIL District- Gaya

1. Dharmendra Singh @ Prem Kumar S/o Ramashish Singh Resident of Village- Mirzapur, P.S.- Muffasil, District- Gaya.
2. Dinesh Singh Son of Mahabir Singh Resident of Village- Mirzapur, P.S.- Muffasil, District- Gaya.
3. Pintu Singh @ Pramod Singh Son of Late Rajballav Singh Resident of Village- Mirzapur, P.S.- Muffasil, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Pappu Pawan S/o Mundar Paswan Resident of Village- Mirzapur, P.S.- Muffasil, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bhaskar Shankar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Special P.P.

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

3 10-11-2022 Despite valid service of notice upon respondent no. 2, the informant did not appear before this Court.

Heard Sri. Krishna Prasad Singh, learned Senior counsel appearing for the appellants 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 06.04.2022 in A.B.P. No. 76 of 2022 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in



connection with Muffasil P.S. Case No. 473 of 2021 registered under Sections 341, 323, 504/34 of the Indian Penal Code and Sections 3(i)(r)(s) of SC/ST Act.

Allegation against the appellants is that the appellants abuse the informant with caste name and assaulted the informant by butt of revolver on the head of the informant as a result of which blood started oozing and also threatened the informant and others for dire consequences.

Learned counsel for the appellants submits that the appellant nos. 1 carries two more cases other than the present one whereas appellant nos. 2 and 3 carries one more case other than the present and they have been falsely implicated in the present case. He further submits that no occurrence has been taken place during the F.I.R. and the prosecution party has falsely lodged the present case only to take benefit of SC/ST Act. He further submits it appears from the F.I.R. that there is general and omnibus allegation of abusing the informant taking caste name and assaulting the prosecution party causing injury. He further submits that there is specific allegation of assault by butt of revolver to other four persons against the appellant no. 2 but it is not clear from the F.I.R. on which part of body appellant no. 2 assaulted the informant. He further submits that there is



no case made out under the SC/ST Act.

Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the appellants and submits that there is direct allegation against these 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 appellants, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Muffasil P.S. Case No. 473 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) Appellants 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 their absence on two consecutive dates without



sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the appellants tamper 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 appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the appellants. 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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