

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1960 of 2022

Arising Out of PS. Case No.-375 Year-2020 Thana- JHAJHA District- Jamui

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1. Dilip Rawat S/o Suresh Rawat Resident of Village- Parasi, P.S.- Jhajha, District- Jamui
 2. Bamni Rawat S/o Suresh Rawat Resident of Village- Parasi, P.S.- Jhajha, District- Jamui
 3. Dhananjay Rawat S/o Late Basudev Rawat Resident of Village- Parasi, P.S.- Jhajha, District- Jamui
 4. Suryadeo Rawat S/o Late Saikhi Rawat Resident of Village- Parasi, P.S.- Jhajha, District- Jamui
 5. Neelam Devi W/o Suresh Rawat Resident of Village- Parasi, P.S.- Jhajha, District- Jamui

... .. Appellant/s

Versus

1. The State of Bihar
2. Shyamdev Turi S/o Late Bhagwat Turi R/o Village- Parasi, Post- Chain, P.S.- Jhajha, District- Jamui.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar Sinha, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-12-2022 Despite valid service of notice upon respondent no. 2,
the informant did not appear before this Court.

Heard learned counsel 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 10.05.2022 in A.B.A. No. 419 of 2020 passed by



the learned I/C ADJ 1st, Jamui in connection with Jhajha P.S. Case No. 375 of 2020 registered under Sections 341, 323, 452, 504, 34 of the Indian Penal Code and Sections 3(x) of of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in short, is that on 26.06.2020 at about 4:30 PM all the accused persons including the appellants entered into the house of the informant having armed with lathi, danda and rod and started assaulting to him and other family members and also abused him by saying the caste name Harijan.

Learned counsel for the appellants submits that the appellants have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons and as per allegation in the FIR the alleged occurrence took place in the house of the informant and they abused the informant by taking caste name is not in a public place and hence no case is made out against the appellants under the SC/ST Act. He further submits that as per allegation against the appellant no. 1 that he assaulted the informant but there is no injury report on record to support the



allegation.

Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the appellants.

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 Jhajha P.S. Case No. 375 of 2020, 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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