

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2049 of 2022**

Arising Out of PS. Case No.-94 Year-2020 Thana- IMAMGANJ District- Gaya

Shashikant Kumar @ Shashi Yadav Son of Girish Yadav Resident of Village -
Bishnu Bigha, P.s.- Imamganj, Distt.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Lakshminia Devi Wife of Bigan Bhulyan R/o vill- Bishun Singh, P.S.-
Imamganj, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md. Javed Jafar Khan, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

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

4 24-11-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

Vide order dated 21.09.2022, the notice was issued to
the respondent no.2 under both process. As per office report
dated 16.11.2022 notice was received by the husband of
respondent no.2.

Learned counsel for the appellant submits that he has
already filed jointness petition and stating therein that
respondent no.2 and appellant are living in same premises.

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 08.04.2022 in A.B.P. No. 77 of 2022 passed by



the learned Exclusive Special Judge, S.C./S.T. Gaya in connection with Imamganj P.S. Case No. 94 of 2020 registered under Sections 147, 148, 149, 341, 323, 307, 354 of the Indian Penal Code and Sections 3(i)(r)(s) of SC/ST Act, 1989.

As per prosecution case in nutshell is that on 11.06.2020, all the accused persons came to the house of the informant and stopped the construction work of public road going on in front of the house of informant saying that the informant and his community members being of low caste had no right to public road. It is also alleged that all the accused persons abused the informant and his community members and had also damaged the mud house of one Subhash Bhuiya.

Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons including the appellant. He further submits that the appellant is a members of unlawful assembly and having no specific allegation contributed against the appellant as per F.I.R.

The learned Special Public Prosecutor has vehemently opposed the prayer for 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.

Considering the aforesaid facts and circumstances, let the appellant, above named, in the event of his arrest or surrender within a period of four weeks, 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 the learned Court below where the case is pending in connection with Imamganj P.S. Case No. 94 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 witnesses, 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.

(Rajesh Kumar Verma, J)

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