

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.3062 of 2022

Arising Out of PS. Case No.-397 Year-2022 Thana- DANAPUR District- Patna

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1. Kunal Paswan @ Sumit Raj Son Of Late Ram Prasad Paswan Resident Of Anand Bazar, P.S.- Danapur, District- Patna
 2. Priti Kumari @ Pinki Kumari D/O Late Ram Prasad Paswan And W/O Manoj Kumar @ Monu Resident Of Anand Bazar, P.S.- Danapur, District- Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Uma Shankar Sharma, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-11-2022 Heard learned counsel for the appellants and learned counsel appearing on behalf of the informant and Spl.P.P. for the State.

This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 21.07.2022 in A.B.P. No. 4200 of 2022 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Danapur P.S. Case No. 397 of 2022 registered under Sections 447, 448, 341, 323, 354, 307, 504, 506 and 34 of the Indian Penal Code and Section 3(I)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

According to the prosecution case, the informant was told to work with one Ashok Thikedar but on her refusal, accused persons including the appellants assaulted the informant and also misbehaved with her mother.



Learned counsel for the appellants submits that the Appellant No. 2 has clean antecedent and the Appellant No. 1 carries two more cases pending against him apart from the present one. He further submits that no case is made out under the SC/ST Act because they belong to same caste. He further submits that it appear from the F.I.R. that there is general and omnibus allegation and there is no specific allegation of assault or overt act against the appellants. He further submits that there is case and counter case.

Learned counsel for the informant on the other hand vehemently opposed the prayer of bail petition and submits that there is specific allegation of assault against these appellants.

After hearing the parties, in my view for the purpose of this anticipatory bail, no offense under the provisions of Scheduled Castes 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 four weeks 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. 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 bond shall be cancelled by the Court below.

2. If the appellants 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 appellants and in case at any stage it is found that the appellants have concealed his criminal antecedent, 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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