

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3517 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- SC/ST District- Gaya

-
1. Sunny Kumar Son of Sanjay Kumar @ Sanjay Singh Resident of Village - Kapeya, P.s.- Alipur, Distt.- Gaya.
 2. Bipin Kumar Son of Vinay Kumar Singh @ Vinay Singh Resident of Village - Kapeya, P.s.- Alipur, Distt.- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Indu Shekhar Dwivedi
For the Respondent/s : Mr. Usha Kumari-1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2022 Heard learned counsel for the appellants and learned counsel for the Informant as well as 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 22.08.2022 in A.B.P. No. 199/2022 passed by the learned Special Judge, S.C./S.T. Court, Gaya, in connection with S.C./S.T. P.S. Case No. 14 of 2022 registered under Sections 354, 341, 323, 379, 504/34 of the Indian Penal Code and Sections 3(i) (r)(s), 3(2)(v-a) of SC/ST Act, 1989.

As per prosecution case, in short is that as alleged by



informant is that on 12.06.2022 at about 6.30 the informant stayed to the band baja in the meantime Sanjay Kumar Singh started to dance in intoxicated stage and started to come towards informant and she started to come back but even then they proceeded towards her and abused in caste indicative words and pulled her sari and one of the accused had torn her blouse. It is said that in the meantime Gautam Kumar snatched golden chain due to which she raised alarm on which accused persons had assaulted.

Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the present case is counter blast of the Alipur P.S. Case No. 87 of 2022 filed by the appellants against the informant and their family members. He further submits that it appears from the present F.I.R. that there is general and omnibus allegation against all the accused persons including the appellants and there is no specific allegation of any assault or overt act against the appellants.

The learned counsel for the Informant as well as learned Special Public Prosecutor have vehemently opposed the prayer for bail of the appellants and submits that there is direct



allegation against the appellants and they have assaulted the informant.

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 appellants, above named, in the event of their arrest or surrender within a period of four weeks, 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 the learned Court below where the case is pending in connection with S.C./S.T. P.S. Case No. 14 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 tamper 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 their 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 dated 22.08.2022 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

