

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4060 of 2022**

Arising Out of PS. Case No.-290 Year-2022 Thana- SHEKHPURA District- Sheikhpura

1. Pankaj Kumar Son Of Arwind Prasad @ Jharjhari R/O Vill.- Jiyanbigha, P.S.- Sheikhpura (KUSUMBHA O.P.), Distt.- Sheikhpura
2. Tinku Kumar Son Of Kapildeo Mahto R/O Vill.- Jiyanbigha, P.S.- Sheikhpura (KUSUMBHA O.P.), Distt.- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Raja Ram Paswan Son Of Late Lakhan Paswan R/O Vill.- Jiyanbigha, P.S.- Sheikhpura (kusumbha O.P.), Distt.- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sudish Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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

2 08-12-2022 Heard learned counsel for the appellants and learned counsel appearing on behalf of the informant as well as learned 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 30.08.2022 in A.B.P. No. 615 of 2022 passed by the learned 1st Additional District & Sessions Judge, Sheikhpura in connection with SC/ST Case No. 45 of 2022 arising out of Sheikhpura (Kusumbha O.P.) P.S. Case No. 290 of 2022 registered under Sections 147, 148, 149, 323, 307, 337 and 504 of the Indian Penal Code and Section 3(1)(r)/3(1)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.



According to the prosecution case, all the accused persons attacked upon the informant with stones, lathi etc to kill them and also abused them.

Learned counsel for the appellants submits that appellant No. 1 has clean antecedent and appellant No. 2 carries one criminal antecedent. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against the appellants and there is no specific allegation of assault or overt act or abusing against the appellants so there is no case made out under the SC/ST Act. He further submits that there is allegation of assault against the co-accused person.

Learned counsel for the informant as well as learned Spl.P.P. on the other hand had vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R. and there is specific allegation against them. They further submits that the appellant No. 2 carries one more case other than the present one.

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) each 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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