

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4049 of 2022**

Arising Out of PS. Case No.-413 Year-2022 Thana- KONCH District- Gaya

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Braham Prakash S/O Om Prakash Varshney R/O Village and P.O- Kujapi, P.S-
Chandauti, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Dr. Kumari Rashmi W/O Anant Kumar At present Community Health
Centre, Konch, Gaya, Permanent Address- Dr. Kumari Rashmi, W/O Anant
Kumar, P.S- Shidgora, District- Jharkhand

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijaya Laxmi Srivastwa, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-12-2022 Heard learned counsel for the appellant and 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
09.11.2022 in A.B.P. No. 264 of 2022 passed by the Exclusive
Special Judge, SC/ST Gaya in connection with Konch P.S. Case
No. 413 of 2022 registered under Sections 354(A) and 506 of
the Indian Penal Code and Section 3(i)(s) of the Scheduled
Castes and Scheduled Tribes Act.

According to the prosecution case, the appellant
abused the informant in caste indicative words.

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 from bare perusal of the F.I.R. it transpires that no case is made out under the SC/ST Act. He further submits that the allegation alleged in the F.I.R. is false and fabricated and the appellant has not abused the informant.

Learned Special Public Prosecutor for the State 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 offense under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

Hence, let the appellant, above, named, in the event of their arrest or surrender before the Court below within a period of six 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. 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.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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