

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1458 of 2023**

Arising Out of PS. Case No.-1 Year-2023 Thana- BACHHWARA District- Begusarai

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RAGHUBIR RAI Son of Rajendra Roy Resident of village - Chirayntok, P.S.-  
Bchwara, Distt.- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharm Paswan Son of Late Hitlal Paswan Resident of village - Chirayantok,  
P.S.- Bchwara, Distt.- Begusarai.

... .. Respondent/s

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**Appearance :**

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| For the Appellant/s      | : | Mr. Swapnil Kumar Singh, Advocate |
| For the Respondent No.2: | : | None                              |
| For the State            | : | Mrs. Usha Kumari 1, Spl..P.P.     |

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

4      21-07-2023                      Despite of valid service of notice upon respondent  
  
no.2, no one appears on behalf of respondent no.2 when the  
  
matter is called

Heard learned counsel for the appellant and 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 regular bail by  
  
order dated 27.02.2023 passed by the learned Exclusive Special  
  
Judge, SC/ST (POA) Act, Begusarai, in connection with  
  
Bachwara P.S. Case No.01 of 2023, registered under Sections  
  
341, 323, 337, 307, 354, 501, 506/34 of the Indian Penal Code,



Section 27 of the Arms Act and Sections 3(i)(r)(s), 3(2)(v) of SC/ST Act, 1989.

As per prosecution case, in brief is that when the informant seated on the shop near on the shop near Pattani Chowk in the meantime this petitioner Raghubir Rai along with other accused persons came there with arms and ammunition and abused caste narrated words to the informant and assaulted upon his head due to which he sustained head injury after that the wife of the informant came to save the informant then the accused persons have misbehaved with her and hit her head due to which her head injury and also other family members beaten by the accused persons. The accused persons have snatched a golden hanumani and fled away from there while threatening to kill the prosecution party.

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 the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. He further submits that due to petty reason the present occurrence has taken place and it appears from the F.I.R. that the allegation against the appellant that he has assaulted with



lathi to the nephew of the informant but the injury report of the injured person suggest that the injury is simple in nature cause by hard and blunt substance. He further submits that the police, after investigation, submitted the charge sheet against the appellant and the appellant is in custody since 21.01.2023.

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

Considering the aforesaid facts and circumstances, let the appellant, above named, be released on 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 Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Bachwara P.S. Case No.01 of 2023, subject to 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.

Accordingly, the impugned order dated 27.02.2023 is set aside and this appeal stands allowed.

**(Rajesh Kumar Verma, J)**

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