

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1564 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- BIBHUTIPUR District- Samastipur

1. Viru Ranjan Son Of Vijay Mahto
 2. Vijay Kumar Mahto @ Vijay Kumar Son Of Laxmi Mahto
 3. Ajit Kumar Son Of Laxmi Mahto
- All are R/O Village- Bibhutipur, Ward No.7, P.S.- Bibhutipur, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Manisha Kumari, Wife of Mukesh Kumar R/o Village-Ward No.7, Khadiyahi, P.S.- Bibhutipur, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Deepak Kumar Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-10-2023 Despite of valid service of notice upon respondent No.2, no one appears on behalf of respondent No.2.

2. Heard Mr.Deepak Kumar Singh, learned counsel for the appellants and Mr.Sadanand Paswan, learned Spl.P.P. for the State.

3. 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 15.03.2023 in A.B.P. No.492 of 2023 passed by the learned Special Judge SC/ST (POA) Act, Samastipur in connection with Bibhutipur P.S.Case No. 29 of 2023 registered



under Sections 147,341,323,354(A),385,504,506 of the Indian Penal Code as well as under Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

4. The prosecution case, in short, is that the informant alleges that on 25.01.2023 co-accused Vikram Kumar alongwith two unknown persons came at the door of informant and started to abuse and demanded extortion from her devar. Appellants alongwith 10-20 unknown persons came at the door of informant lashed with weapon in their hand and started to abuse the informant and her devar by caste name and also assaulted them.

5. Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and no such occurrence had taken place and from a bare perusal of the FIR it appears that no case is made out against the appellants under the SC/ST Act and as per allegation in the FIR the appellants have assaulted with butt of the revolver to the brother-in-law of the informant but there is no injury report on the record to suggest that the brother-in-law of the informant has received any injury.

6. The learned Spl.P.P. for the State has vehemently



opposed the prayer for anticipatory bail of the appellants.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts, appellants have clean antecedent and no injury report on the record, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days 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 Special Judge SC/ST (POA) Act, Samastipur in connection with Bibhutipur P.S. Case No. 29 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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.

(II) 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.

(III) 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 antecedents, 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.

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

(Rajesh Kumar Verma, J)

Nitesh/-

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