

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2387 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- RAFIGANJ District- Aurangabad

AJAY SINGH SON OF NATHUN SINGH, RESIDENT OF VILLAGE-
NIMA CHATURBHUI, PS- RAFIGANJ, DISTT- AURANGABAD.

... .. Appellant/s

Versus

1. The State of Bihar
2. CHANDO DEVI WIFE OF ARJUN DUSADH, RESIDENT OF VILLAGE-
MELAPUR, PO AND PS- RAFIGANJ, DISTT- AURANGABAD.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailesh Kumar Singh, Adv.
For the State	:	Mr. Sadanand Paswan, Spl. PP
For the Informant		Mrs. Leelawati Kumari, Adv.
		Mr. Aman Vishal, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-10-2023 Heard Mr. Shailesh Kumar Singh, learned counsel

for the appellant, Mrs. Leelawati Kumari and Aman Vishal,

learned counsel appearing on behalf of respondent No. 2 and

Mr. Sadanand Paswan, learned Special Public Prosecutor for

the State.

2. This appeal under Section 14A(2) of the
Scheduled Caste and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 has been directed against the order dated
25.04.2023 passed by learned Special Judge SC/ST Act-cum-1st
Additional District and Sessions Judge, Aurangabad (Bihar) in
connection with Rafiganj P.S. Case No. 40 of 2023, registered
under Sections 341, 323, 307/34 of the Indian Penal Code and



Section 3(1)(r)(s)/3(2)(v) of SC/ST (POA) Act, whereby the prayer for pre-arrest bail of the appellant has been rejected.

3. Allegedly, the appellant abused the informant by calling his caste name and consequently, the appellant assaulted her elder son, due to which, he sustained injury.

4. Learned counsel appearing for the appellant submits that the appellant has clean antecedent and has falsely been implicated in the present case. He further submits that from perusal of the FIR, it appears that there is no specific allegation of assault or overt act against the appellant, rather there is general and omnibus allegation against all the accused persons, including the appellant and it also appears from the FIR that the informant has not mentioned the date of which he had taken the amount to the informant and there is bald statement that he had paid Rs. 2,00,000/- to the appellant and other co-accused persons and no such occurrence had taken place and the appellant had never abused the informant and his family members and no case under the SC/ST (POA) is made out against the appellant. Hence, the appellant may be granted the privilege of pre-arrest bail.

5. Learned counsel for respondent No. 2 and learned Special Public Prosecutor for the State, on the other



hand, have vehemently opposed the prayer for bail and submit that the appellant has received Rs. 2,00,000/- from the informant and registered the other land in favour of the informant and till date, the appellant has not returned the amount in question and apart from the statement aforesaid, the appellant carries more than four cases other than the present one, but fairly submits that he is on bail in all these four cases.

6. Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on 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 Special Judge SC/ST Act-cum-1st Additional District and Sessions Judge, Aurangabad (Bihar) in connection with Rafiganj P.S. Case No. 40 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C and with further 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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

(Rajesh Kumar Verma, J)

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