

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2631 of 2023

Arising Out of PS. Case No.-322 Year-2022 Thana- BARH District- Patna

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Satendra Rai @ Satendra Yadav Son of Swarth Rai Resident of village -
Pachiyari Malahi, P.s - Barh, Distt - Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Manoj Kumar Pandey
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-10-2023

IA No. 01 of 2023

This interlocutory application has been filed for
condonation of delay of 05 days in preferring this criminal
appeal.

2. In view of the reasons assigned vide para 4 of the
application, the delay is hereby condoned. Accordingly. IA No.
01 of 2023 stands allowed.

3. Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

4. This is an appeal under Section 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 22.02.2023 in ABP No. 10173/2022 passed by
learned Exclusive Special Court (SC/ST Act), Patna in



connection with Barh P.S. Case No. 322 of 2022 registered under Sections 147, 148, 188, 189, 290, 291, 354, 504 of the Indian Penal Code as well as section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. As per the FIR, the informant received information that some people have blocked the NH-31, on such information, informant went at NH-31 and inquired from the people, they said that since they have been restrained from manufacturing liquor, they are protesting. It is further alleged that when informant requested them not to block the road, the accused persons abused him by caste name and misbehaved with the drivers of the vehicle and ransacked the road.

6. Learned counsel for the appellant submits that informant is a police officer. No notice is required in the present case. Allegation as alleged in the FIR is false and concocted. From bare perusal of FIR, it appears that there is no specific overt act has been alleged against appellant rather allegation is general and omnibus against all the accused persons. No case under SC/ST Act is made out against the appellant, as the informant himself belongs to Scheduled Caste.

7. Learned APP for the State vehemently opposed the



prayer for anticipatory bail and appellant has got criminal antecedent, but fairly submits that informant himself belongs to Scheduled Caste.

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

9. Hence, let the appellant above-named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be enlarged 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 Special Judge (SC/ST Act), Patna in connection with Barh P.S. Case No. 322 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) 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 liable to be cancelled by the Court below.

(ii) If the appellant tampers with the evidence or the witness, in that case, 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 appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedents, 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.

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

(Rajesh Kumar Verma, J)

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