

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2767 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- BELAGANJ District- Gaya

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1. Uday Kumar Son of Rajendra Bind Resident of village - Resaud, P.S. - Belaganj, Distt. - Gaya (Bihar)
 2. Sharvan Kumar Son of Jugeshwar Prasad @ Tapeswar Bind Resident of village - Resaud, P.S. - Belaganj, Distt. - Gaya (Bihar)
 3. Ranjan Kumar Son of Birendra Bind R/o vill - Resaud, P.S. - Belaganj, Distt. - Gaya (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Devendra Prasad @ Devendra Paswan Son of Ishwari Prasad Resident of village - Resaud, P.S. - Belaganj, Distt. - Gaya (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shashank Chouhan, Advocate Mr. Kumar Ranjit Ranjan, Advocate
For the Respondent No. 2 :	:	Mr. Ajay Kumar Sinha, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-10-2023 Heard Mr. Shashank Chouhan, learned counsel for the appellants, Mr. Ajay Kumar Sinha, learned counsel appearing on behalf of the Respondent No. 2 as well as Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. 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 26.04.2023 in A.B.P. No. 130 of 2023 passed by



the learned Exclusive Special Judge, SC/ST, Gaya in connection with Belaganj P.S. Case No. 139 of 2023 registered under Sections 147, 149, 323, 307, 504, 379 of the Indian Penal Code and Sections 3(2) (VA) of the SC/ST Act.

3. Allegation against the appellants is that they have assaulted the family members of the informant by iron rod and bricks due to which they sustained injured.

4. Learned counsel for the appellants submits that the appellants having clean antecedents and they have been falsely implicated in the present case. He further submits that from a bare perusal of the F.I.R. it appears that there is specific allegation of assault by iron rod to the brother of the informant is upon co-accused namely Nitish Kumar and there is general and omnibus allegation against all the accused persons including these appellants and the injury report of the injured persons suggest that although they have received injuries but the injury is simple in nature caused by hard and blunt substance and the appellants have not abused in his caste name and hence no case is made out under the SC/ST Act.

5. Learned counsel for the Respondent No. 2 and learned Special Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the



appellants and submits that there is direct and specific allegation against these appellants that they have assaulted the family members of the informant and they are named in the F.I.R.

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

7. Hence, 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge SC/ST, Gaya in connection with A.B.P. No. 130 of 2023 arising out of Belaganj P.S. Case No. 139 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure along with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.



(2) If the appellants tamper with the evidence or the witness, 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 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.

8. Accordingly, the impugned order dated 26.04.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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