

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2531 of 2022**

Arising Out of PS. Case No.-135 Year-2021 Thana- KONCH District- Gaya

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BHOLI SINGH @ SAURABH KUMAR @ BHOLI KUMAR S/O BABAN
SINGH Resident of Village- Jaitiya, P.O- Eguna P.S.- Konch District- Gaya,
Bihar Pin Code.- 824207

... .. Appellant/s

Versus

1. The State of Bihar
2. GAUTAM PRASHANT S/O SURENDRA PASWAN Resident of village-
Jaitiya Chenari P.S.- Konch District- Gaya, Bihar Pin Code No.- 824207

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Sinha, Advocate
	:	Mr.Subhash Patel, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Spl. P.P.

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**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. Ajay Kumar Sinha, learned counsel for
the appellant 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 14.06.2022 in A.B.P. No.122 of 2022 passed by
the learned Exclusive Special Judge SC/ST, Gaya in connection
with Konch P.S.Case No. 135 of 2021 registered under Sections
147,148,149,341,323,325,307,504,506 of the Indian Penal Code



as well as under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

4. The prosecution case, in short, is that the informant alleges that on 29.03.2021 he was at his door and in the meantime all the accused persons armed with lathi, danda and iron rod came and started abusing in filthy language denoting his caste and on such the appellant and Munna Singh with an intention to kill gave him blow with iron rod and lathi on his head and due to which he sustained head injury and he also sustained injuries on his part of the body.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that the FIR is in two parts. In 1st part, there is specific allegation against co-accused persons, namely, Ranjeet Singh and Munna Singh that they have assaulted to the informant by iron rod and lathi on his head, thereafter in 2nd part, other co-accused persons including the appellant have assaulted with Lathi to the informant and he has received injury in his left hand. Learned counsel for the appellant submits that there was no intention to kill the informant and there is no repetition of blow on behalf of the appellant.



6. The learned Spl.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellant and submits that there is direct and specific allegation against the appellant that he assaulted to the informant and apart from the aforesaid the appellant carries one more case other than the present one but fairly submits that the appellant is on bail in the said case, as mentioned in para-3 of the bail petition.

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. 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 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 Konch P.S.Case No. 135 of 2021, 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(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 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.

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

(Rajesh Kumar Verma, J)

Nitesh/-

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