

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3115 of 2023**

Arising Out of PS. Case No.-5 Year-2023 Thana- SC/ST District- Kaimur
(Bhabua)

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ANAND PATEL SON OF RAM DULAR SINGH RESIDENT OF VILLAGE-
BETARI, PS- BHABUA, DIST- KAIMUR AT BHABUA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. PRABHAT KUMAR BHASKAR SON OF SRI MUKHARI RAM RESIDENT OF
VILLAGE- BHABUA WARD NO. 11, PS- BHABUA, DIST- KAIMUR AT
BHABUA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajani Kant 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 Heard Mr. Rajani Kant Pandey, learned counsel

for the appellant and Mr. Binay Krishna, learned Special P.P.

for the State.

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 16.06.2023 passed by learned Additional Sessions
Judge-1st, Kaimur at Bhabua -cum- Special Judge SC/ST Act,
Kaimur at Bhabua in connection with Bhabua SC/ST P.S.
Case No. 05 of 2023 registered under Sections 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.

The appellant along with other accused are alleged to have assaulted the informant by means of lathi, danda and hockey and they have abused the informant by his caste name at public place.

Learned counsel appearing for the appellant submits that the appellant, who is of clean antecedent, is innocent and has not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that due to petty reason, the present occurrence has taken place and there is general and omnibus allegation of assault is attributed to the accused persons including the appellant and no specific allegation of assault or any overt act committed by the appellant is attributed to him. He further submits that it is apparent from the F.I.R. itself that the co-accused Nitya Patel assaulted the informant by hockey and the F.I.R. is lodged after lapse of two days from the date of occurrence. He further submits that no case attracting the provisions of SC & ST Act is made out against the appellant. Hence, the appellant may be granted the privilege of pre-arrest bail.

Learned Special P.P. for the State opposed the



prayer for grant of anticipatory bail to the appellant and submits that there is allegation of assault against the appellant and he along with other companion has abused the informant by his caste name.

Considering the facts and circumstances of the case, let the above named appellant in the event of his surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 1st -cum- Special Judge, SC/ST (POA) Act, Kaimur at Bhabua in connection with Bhabua SC/ST Case No. 05 of 2023 subject to the conditions laid down under Section 438(2) of the Cr.P.C. and with the 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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