

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3134 of 2023**

Arising Out of PS. Case No.-407 Year-2023 Thana- PHULWARISHARIF District- Patna

Bilash Kumar @ Vilash Kumar @ Vikash Kumar S/O Jagdish Sao @ Jagdish Prasad R/O Village- Govindpur, Beldari Tola, Sunderpur Musahari, Ps. Phulwarisharif, Dist. Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Khelan Manjhi S/O Late Manyogi Manjhi R/O Village- Sunderpur Govindpur, P.S. Phulwarisharif, Dist. Patna

... .. Respondent/s

**Appearance :**

|                     |   |                                    |
|---------------------|---|------------------------------------|
| For the Appellant/s | : | Mr. Deepak Kumar Singh, Advocate   |
| For the Informant   | : | Mr. Ram Uday Kumar Singh, Advocate |
| For the State       | : | Mr. Binay Krishna, Spl. P.P.       |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      06-10-2023                      Heard Mr. Deepak Kumar Singh, learned counsel for the appellant, Mr. Ram Uday Kumar Singh, learned counsel appearing on behalf of the Informant as well as Mr. Binay Krishna, 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 22.06.2023 in A.B.P. No. 3084 of 2023 passed by the learned Exclusive Special Court, SC/ST Act, Patna in connection with Phulwarisharif P.S. Case No. 407 of 2023 registered under Sections 436, 506, 504 of the Indian Penal Code and Sections 3(2) (iii)(s) of SC/ST Act.

3. Allegation against the appellant is that he set the



hut of the informant on fire.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that the appellant has set fire the hut of the informant and the appellant was caught hold by the informant's side and handed over to the police. Learned counsel for the appellant further submits that when the appellant has been arrested by the police then how can move before this Court for anticipatory bail. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and in fact no such occurrence had taken place and the present case is counter blast of Phulwarisharif P.S. Case No. 404 of 2023 filed by the appellant against the informant and their family members.

5. Learned counsel appearing on behalf of the respondent no. 2 as well as learned Special Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the appellant.

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, because the appellant and the informant belong to the same



community.

7. 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 I/C Special Judge SC/St Act, Patna (Exclusive Special Court, SC/St Act, Patna) in connection with Phulwarisharif P.S. Case No. 407 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) 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 cancelled by the Court below.

(2) If the appellant tampers 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 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, the impugned order dated 22.06.2023 is set aside and this appeal stands allowed.

**(Rajesh Kumar Verma, J)**

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