

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3958 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- SC/ST District- Lakhisarai

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Vishal Ram @ Vishal Kumar S/O Ramchandra Ram R/O Village- Rampur,
P.S- Chanan, Distt.- Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanju Singh, 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 06-10-2023 Mr.Sanju Singh, learned counsel for the appellant outrightly submits that the appellant and the informant belonged to the same community so there is no need to issue notice upon the informant.

2. Heard Mr.Sanju Singh, 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 25.07.2023 in A.B.P. No.650 of 2023 passed by the learned Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Lakhisarai in connection with Lakhisarai SC/ST P.S.Case No. 36 of 2023 registered under Sections



341,323,308,337,504,506,34 of the Indian Penal Code as well as under Sections 3(i)(r)(s) 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. The prosecution case, in short, is that on 21.05.2023 appellant abused the informant with caste name and when the informant protested the said abusing, the appellant started assaulting him with fists, slaps, leg and danda. It is further alleged that on hearing the commotion the informant's brother namely, Ravish Kumar and Manish Kumar and family member also came at the spot. The accused persons namely Babu Sahab Kumar, Pawan Kumar, Ramchandra Ram, Soni Devi alleged to have stone upon him due to which Ravish Kumar, Manish Kumar received serious injury.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case and from a bare perusal of the FIR it appears that no case is made out under the SC/ST Act because both the parties belonged to the same community and as per allegation in the FIR the appellant and other co-accused persons have assaulted the family members of the informant and it appears from the FIR itself that other co-accused persons have assaulted the family members of the informant and they have sustained injury but it



appears from the injury report of the injured persons, namely, Ravish Kumar and Manish Kumar although, they have received the injury but the injury of both the injured persons are simple in nature caused by hard and blunt substance.

6. Learned Spl.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the appellant and submits that the appellant was involved in the present crime in question 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 Additional Sessions Judge-1-cum-Special Judge, SC/ST Act, Lakhisarai in connection with Lakhisarai SC/ST P.S.Case No. 36 of 2023, 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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