

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No. 1056 of 2024**

Arising Out of PS. Case No.-322 Year-2022 Thana- BARH District- Patna

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1. Ravindra Rai son of Yogi Rai Village- Shah Salempur Bind Toli Ps- Barh Dist- Patna
  2. Ajay Tanti son of Sri Kishun Tanti Village- Shah Salempur Bind Toli Ps- Barh Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Narmdeshwer Paswan S.I of Barh Barh Patna, Bihar

... .. Respondent/s

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**Appearance :**

|                         |   |                              |
|-------------------------|---|------------------------------|
| For the Appellant/s     | : | Mr. Arun, Advocate           |
| For the State           | : | Ms. Usha Kumari 1, Spl. P.P. |
| For the respondent no.2 | : | Md. Harun Quareshi, Advocate |

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

4      28-08-2024                      Heard Mr. Arun, learned counsel for the appellants,  
  
Md. Harun Quareshi, learned counsel for the respondent no.2  
  
and Ms. Usha Kumari 1, Spl.P.P. for the State.

2. Learned counsel for the appellants seeks  
  
permission to withdraw this appeal as against the appellant no.1,  
  
namely, Ravindra Rai as he has already been arrested by the  
  
police, during pendency of this appeal.

3. Permission is granted.

4. Accordingly, the instant appeal is dismissed as  
  
withdrawn as against the appellant no.1.

5. Now, this appeal is being heard with regard to the



appellant no.2 only.

6. 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 19.01.2024 in A.B.P. No. 11970 of 2023 passed by the learned Exclusive Special Judge, SC/ST Act, Patna in connection with Barh P.S. Case No. 322 of 2022 registered under Sections 147, 148, 188, 189, 290, 291, 353 and 504 of the Indian Penal Code and Sections 3(1) (r)(s) of SC/ST Act, 1989.

7. As per prosecution case, in brief, the informant received information that some people have blocked the road, on such information when the informant went there to pacify the matter, the culprits started abusing with his caste name and misbehaved with them because they have been restrained from making and selling liquor.

8. Learned counsel for the appellant no.2 submits that the appellant no.2 is innocent and he has been falsely implicated in the present case. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act is attributed against the appellant no.2. He further submits that in fact the appellant no.2 belongs to the SC/ST community and hence, there is no case made out under



the SC/ST provisions. He further submits that co-accused person, namely, Satendra Rai @ Satendra Yadav against whom there is similar allegation has been granted the privilege of anticipatory bail by this Court vide order dated 13.10.2023 passed in Cr. Appeal (SJ) No. 2631 of 2023.

9. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the appellant no.2.

10. 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.

11. Hence, let the appellant no.2, 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 Court, SC/St Act, Patna in connection with Barh P.S. Case No. 322 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure along with other following conditions :-

(i) Appellant no.2 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.

(ii) If the appellant no.2 tampers with the evidence or the witness, 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 no.2 and in case at any stage, it is found that the appellant no.2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant no.2. 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.

12. Accordingly, the impugned order dated 19.01.2024 is set aside and this appeal stands allowed.

**(Rajesh Kumar Verma, J)**

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