

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1907 of 2024

Arising Out of PS. Case No.-597 Year-2020 Thana- FATUA District- Patna

Rocky Kumar Son Of Ishwar Paswan Resident Of Village - Maksudpur, P.S. -
Fatwah, District - Patna

... .. Appellant/S

Versus

1. The State Of Bihar
2. Sabita Devi Wife Of Ram Pravesh Paswan Resident Of Village - Maksudpur,
P.S. - Fatwah, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arun Tiwari, Advocate
For the Respondent/s : Mr.Sadanand Paswan,Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-08-2024 Heard Mr.Arun Tiwari, learned counsel for the

appellant and Mr.Sadanand Paswan,learned Spl.P.P. for the

State.

2. This is an appeal under Section 14 (A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 02.03.2024 passed by the learned Exclusive Special
Court SC/ST Act, Patna in connection with Special Case
No.367/2020, arising out of Fatuha P.S. Case No.597/2020,
F.I.R. dated 25.08.2020 registered under Sections 147, 148, 149,
342, 323, 354, 307, 504 of the Indian Penal Code, Section 27 of



the Arms Act and Section 3(i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. According to FIR, the appellant along with other co-accused persons and 20-25 unknown persons came in the mohalla of the informant and started firing and misbehaved with the female members. On information, the police came and thereafter the accused persons fled away but repeatedly they came armed with pistol, lathi, bricks and assaulted the informant and her family members. The injured were treated at Fatuha hospital.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that although the appellant is named in the FIR but there is no specific allegation of any assault or overt-act attributed against the appellant rather there is general and omnibus allegation against all the accused persons including the appellant and the co-accused person, namely, Rana Kumar has been granted privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 13.10.2022 passed in Cr. Appeal (SJ) No.2946 of 2021 and another co-accused person, namely, Sudama Kumar has been



granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 15.09.2023 passed in Cr. Appeal (SJ) No.2414 of 2023.

5. The learned Spl.P.P. for the State has 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 Schedule Castes and Scheduled Tribes Act is made out.

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 Exclusive Special Court SC/ST Act, Patna in connection with Special Case No.367/2020, arising out of Fatuha P.S. Case No.597/2020, 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.

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

(Rajesh Kumar Verma, J)

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