

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2917 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- DIDARGANJ District- Patna

Umesh Kumar Son of Lakshman Singh Resident of Village - Kachchidargah,
P.S. - Nadi, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar, Patna
2. Dhaneshwar Ram S.I. of Didarganj Police Station, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jay Ram Prasad, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-07-2024 Heard Mr. Jay Ram Prasad, learned counsel for the

appellant as well as Mr. Sadanand Paswan, learned Spl.P.P. for

the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
06.04.2023 passed by the learned Special Judge, SC/ST, Patna
in connection with ABP No. 1201 of 2023 arising out of
Didarganj P.S. Case No. 19 of 2022, F.I.R. dated 30.01.2022
registered under Sections 147, 148, 149, 323, 307, 353, 337,
338, 427, 435, 504 and 506 of the Indian Penal Code and
Sections 3(i) (r) (s)/ 3 (ii) (va) of the Scheduled Castes and
Scheduled Tribes (POA) Act.

3. According to the prosecution case, some persons



armed with lathi, danda, stones etc., have blocked the NH-30 and are pelting stones on the vehicles and when the informant tried to stop them then they became aggressive and started assaulting and abusing by taking caste name.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that the appellant is not named in the F.I.R and the name of the appellant has been transpired on the basis of the CCTV footage. He further submits that it appears from the CCTV footage as well as F.I.R that there is no accusation of any assault or overt act attributed against the appellant and at best the appellant is member of the mob and he has not stated anything about the informant.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for 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 Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts and circumstances and the fact that the appellant has clean antecedent and there is no accusation of any assault or overt act against the appellant,



let the appellant, above named, in the event of his arrest to 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 Special Judge, SC/ST, Patna in connection with ABP No. 1201 of 2023 arising out of Didarganj P.S. Case No. 19 of 2022, 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 absence on two consecutive dates without sufficient reason, his 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 have 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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