

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3677 of 2022**

Arising Out of PS. Case No.-155 Year-2021 Thana- SONEPUR District- Saran

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Pramod Kumar Son of Shri Vinod Rai Resident of Village- Sabalpur,  
Chaitola, P.S.- Sonapur, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Jagpatia Devi Wife of Vijay Paswan Resident of Village- Sabalpur, Chaitola,  
P.S.- Sonapur, District- Saran

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ajay Kumar Sinha, Sr. Advocate  
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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

4      28-06-2024                      It appears from the office report dated 20.06.2024 that notice through Registered post has been validly served upon Opposite Party No. 2, despite of that no one appears on behalf of the Opposite Party No. 2.

2. Heard Mr. Ajay Kumar Sinha, learned Senior counsel for the appellant as well as Mr. Sadanand Paswan, learned Special Public Prosecutor 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 02.09.2022 in A.B.P. Case No. 2153 of 2022 passed by the learned Additional Sessions Judge-3rd, Saran in



connection with Sonapur P.S. Case No. 155 of 2021 registered under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 379, 504, 506/34 of the Indian Penal Code and Sections 3(1) (r)(s) of the Scheduled Caste and Scheduled Tribes (Prevention or Atrocities) Act.

4. Allegation against the appellant is that he along with other co-accused persons entered into the house of the informant and assaulted the son of the informant by means of lathi as a result of which the son of the informant received injury.

5. Learned Senior counsel for the appellant submits that at the time of filing the present petition, the appellant has clean antecedent but during the pendency of the present petition the petitioner surrendered in another case vide Sonapur P.S. Case No. 156 of 2021 and he has been granted bail vide order dated 15.04.2023. Learned Senior counsel for the appellant further submits that from perusal of the F.R. it appears that there is no specific allegation of any assault or overt act attributed against the appellant rather there is general and omnibus allegation against the appellant and at best the appellant may be a member of the mob.

6. Learned Special Public Prosecutor for the State has



vehemently opposed the prayer for anticipatory bail of the appellant.

7. 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.

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 3<sup>rd</sup> cum-Special Judge, SC/ST, Saran at Chapra in connection with Sonapur P.S. Case No. 155 of 2021, 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.

9. Accordingly, the impugned order dated 02.09.2022 is set aside and this appeal stands allowed.

**(Rajesh Kumar Verma, J)**

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