

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.24 of 2024

Arising Out of PS. Case No.-14 Year-2022 Thana- SC/ST District- Gaya

Chandan Kumar @ Chandan Ku @ Chandan Prasad Son of Late Dharmdev Prasad Resident Of Village - Kapeya, P.S. - Alipur, District - Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bipin Kumar, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl.P.P.
For Resp. No. 2	:	Mr. Jawed Gaffar Khan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-06-2024 Heard Mr. Bipin Kumar, learned counsel for the appellant, Mr. Jawed Gaffar Khan, learned counsel appearing on behalf of the Respondent No. 2 as well as Ms. Usha Kumari 1, 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 24.11.2023 passed by the learned Special Judge, SC/ST Court, Gaya in ABP No. 390/2023 (Tr. No. 421/2023) in connection with SC/ST P.S. Case No. 14 of 2022, F.I.R. dated 15.06.2022 registered under Sections 354, 341, 323, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2) (v-a) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, this appellant



along with two other accused persons have misbehaved and abused the informant and also assaulted her.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. and due to some ulterior motive the appellant has falsely been implicated in the present case. He further submits that similarly situated co-accused, namely, Sunny Kumar has been granted anticipatory bail by this Court vide order dated 17.11.2022 passed in Cr. App (SJ) No. 3517 of 2022 and another co-accused, namely, Gautam Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 05.07.2023 passed in Cr. App (SJ) No. 1020 of 2023.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have 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 as well as nature of allegation, 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 Court of Special Judge, SC/ST Court, Gaya in connection with SC/ST P.S. Case No. 14 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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