

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.90 of 2024

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

Vijendra Yadav @ Vijendra Son Of Mahindra Yadav R/O Mohalla- Pachhiyari
Malahi, P.S.- Barh, Dist.- Patna

... .. Appellant/s

Versus

The State Of Bihar Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar Pandey, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-06-2024 Heard Mr. Manoj Kumar Pandey, learned counsel
for the appellant 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 01.12.2023 passed by the learned Exclusive Special Court SC/ST Act, Patna passed in ABP No. 8615 of 2023 in connection with Barh P.S. Case No. 332 of 2022, F.I.R. dated 23.05.2022 registered under Sections 147, 148, 188, 189, 290, 291, 353 and 504 of the Indian Penal Code and Sections 4(3)(i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, all the accused persons including this appellant have blocked the NH-31 because they have been restrained from manufacturing liquor. It



is further alleged that when the informant tried to pacify the matter then all the accused persons have abused him by taking his caste name and damaged the vehicles on road.

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. He further submits that it appears from the F.I.R that no case is made out under the SC/ST Act and apart from that there is no allegation of any assault or overt act attributed against this appellant rather there is general and omnibus allegation against all the accused persons including this appellant. He further submits that the similarly situated co-accused, namely, Satendra Rai @ Satendra Yadav has been granted anticipatory bail by this Court vide order dated 13.10.2023 passed in Cr. Appeal (SJ) No. 2631 of 2023.

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. Hence, let the appellant, above named, in the event of their 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 Exclusive Special Court SC/ST Act, Patna passed in ABP No. 8615 of 2023 in connection with Barh P.S. Case No. 332 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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