

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.340 of 2024

Arising Out of PS. Case No.-87 Year-2023 Thana- MALI District- Aurangabad

=====

Ankush Kumar Singh @ Ankush Kumar S/o Sushil Singh R/o Vill - Tona, P.S.
- Mali, Dist. - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Saraswati Devi W/o Vinay Prasad R/o Vill - Sinduria Tola Gotidih, P.S. -
Mali, Dist. - Aurangabad

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Adarsh Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.PP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-06-2025 Heard Mr. Adarsh Singh, learned counsel for the

appellant as well as Mr. Binay Krishna, learned Spl.P.P. for the

State.

2. Despite valid service of notice upon Respondent
No.2, no one appeared on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
30.11.2023 passed by the learned Court of Special Judge
(SC/ST)-cum-1st Additional District & Sessions Judge,
Aurangabad, Bihar in A.B.P. No. 2231 of 2023 arising out of
Mali P.S. Case No. 87 of 2023, F.I.R. dated 08.09.2023
registered under Sections 341, 323, 324, 302/ 34 of the Indian



Penal Code and Sections 3(i) (r) (s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that appellant along with other co-accused killed her husband and abused him in the name of caste, while he was irrigating his paddy field.

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 although the appellant is named in the FIR but specific allegation of assault is attributed against co-accused person, namely, Sushil Singh that he inflicted knife blow upon the husband of the informant and there is no specific allegation of assault or overt act against this appellant rather the allegation levelled against him is general and omnibus.

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, appellant has clean antecedent and there is no specific allegation



of assault or overt act against this 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 surities of the like amount each to the satisfaction of learned Court of Special Judge (SC/ST)-cum-1st Additional District & Sessions Judge, Aurangabad, Bihar in connection with Mali P.S. Case No. 87 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 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 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)

Suruchi/-

U		T	
---	--	---	--

