

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.412 of 2024

Arising Out of PS. Case No.-648 Year-2023 Thana- NAUBATPUR District- Patna

1. Krishna Yadav S/O LATE RAM NANDAN YADAV VILLAGE- SARASAT, PS. NAUBATPUR, DIST. PATNA.
2. VIKAS KUMAR AWDESH YADAV VILLAGE- SARASAT, PS. NAUBATPUR, DIST. PATNA.
3. AMITA DEVI W/O AWDESH YADAV VILLAGE- SARASAT, PS. NAUBATPUR, DIST. PATNA.

... .. Appellant/s

Versus

1. The State of Bihar
2. HRIDYANAND RAM S/O LATE BRAHMDEO RAM VILLAGE- SARASAT, PS. NAUBATPUR, DIST. PATNA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Niwas Prasad, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-07-2025 Heard Mr. Ram Niwas Prasad, learned counsel for the appellants as well as Ms. Usha Kumari 1, learned Spl.P.P. for the State.

2. Despite valid service of notice upon respondent No.2, no one appears 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 19.12.2023 passed by the learned Court of Exclusive Special Court, SC/ST, Patna, in connection with Naubatpur P.S. Case No.648 of 2023, F.I.R. dated 15.09.2023 registered under Sections 341, 342, 323, 385, 307, 504, 506/34 of the Indian



Penal Code and Sections 3 (i) (r) (s), 8(2) (va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, on 27.06.2023 while informant was returning from Bihta Bazar, in the meantime appellant and co-accused persons started abusing the informant, taking caste name and demanding money. Thereafter appellant along with co-accused and 15-20 unknown persons arrived at informant's house with Bhala, Danda and pistol started assaulting informant and their family members.

5. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. From a bare perusal of F.I.R., it appears that the occurrence has taken place in the house of the informant, hence, the provisions under the SC/ST Act shall not be attracted against the appellants and it appears that there is no allegation of any assault or overt act attributed against the appellants rather the allegation is general and omnibus against all the accused persons, including the appellants.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R. and with a common intention, they have abused the informant.



7. 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.

8. Considering the aforesaid facts and circumstances, the appellants have clean antecedent, occurrence has taken place in the house of the informant, which is not a public place, hence, no case is made out under the SC/ST Act against the appellants, let the appellants, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Court, SC/ST, Patna, in connection with Naubatpur P.S. Case No.648 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. Appellants 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



ii. If the appellants tamper 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 appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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