

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.518 of 2024

Arising Out of PS. Case No.-785 Year-2023 Thana- DARIYAPUR District- Saran

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1. AMRESH OJHA S/o Late Lalan Ojha R/o Village-Raghupur, P.S.-Dariyapur, District-Saran at Chapra.
 2. SAMRESH KUMAR @ SAMRESH OJHA @ NIKKU OJHA S/o Late Lalan Ojha R/o Village-Raghupur, P.S.-Dariyapur, District-Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. DAHARU CHAUDHARY S/o Late Bhola Chaudhary R/o Bela Mahammadpur, P.S.-Dariyapur, District-Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Udai Shankar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-08-2025 Heard Mr. Udai Shankar Singh, learned counsel for the appellants as well as Mrs. Usha Kumari 1, learned Spl.P.P. for the State.

2. Despite valid service upon the Opposition Party No. 2, no one has appeared on behalf of the Opposition Party No. 2

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 20.12.2023 passed in A.B.P. No. 4536 of 2023 passed by the learned Court of SC/ST Exclusive Special Judge, Chapra, Saran in connection with Dariyapur P.S. Case No. 785 of 2023 , F.I.R.



dated 28.11.2023 registered under Sections 341, 323, 379, 504/34 of the Indian Penal Code and Sections 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that while he went to cut Sheesham tree, in the meantime the appellants came and caught him and tied rope in his neck and assaulted and abused him. It is further alleged that appellant no.2 took Rs.3000/- from the informant.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have 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 appellants have not committed any offences as alleged in the F.I.R. As per allegation in the FIR, the appellant caught hold the informant when he was cutting sheesham tree and tied him with rope. He further submits that there is no allegation against these appellants that they have abused the informant by caste name and as per allegation in the FIR, the informant has received injury but there is no injury report available on record which suggest that the informant has received no injury.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.



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 and the fact that the appellants have clean antecedent and there is no allegation against these appellants that they have abused the informant by caste name and there is no injury report available on record which suggest that the informant has received injury, 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) with two surities of the like amount each to the satisfaction of learned Court of SC/ST Exclusive Special Judge, Chapra, Saran in connection with Dariyapur P.S. Case No. 785 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 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 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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