

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.527 of 2024

Arising Out of PS. Case No.-249 Year-2023 Thana- TILAUTHU District- Rohtas

Kush Singh S/O Shatrudhan Singh R/O Village- Kaithi, Ps. Tilauthu, Dist. Rohtas.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajat Paswan S/O Baban Paswan R/O Village- Kaithi, Ps. Tilauthu, Dist. Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sadanand Roy, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-07-2025 Heard Mr. Sadanand Roy, learned counsel for the appellant and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. Despite of valid service of notice upon respondent no. 2 no one appeared on behalf of the respondent no. 2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 04.01.2024 passed by the learned A.D.J.-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Tilauthu P.S. Case No. 249 of 2023, F.I.R. dated 19.10.2023 registered under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the Scheduled



Castes and Scheduled Tribes Act.

4. According to the prosecution case, the appellant over a petty dispute, assaulted the respondent no. 2 and also abused him by taking his caste name.

5. 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 although the appellant is named in the F.I.R. but it appears that there is no specific allegation of assault against this appellant and with respect to abusing by caste name it is attributed against the co-accused, namely, Butali Singh, so no case is made out against the appellant under the SC/ST Act.

6. Learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant.

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, the appellant has clean antecedent and there is no specific allegation of any



assault or over act or abusing against the appellant let the appellant, above named, in the event of his 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 A.D.J.-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Tilauthu P.S. Case No. 249 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.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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