

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.446 of 2024

Arising Out of PS. Case No.-1198 Year-2023 Thana- DOBHI District- Gaya

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1. Lakhan Yadav @ Ram Lakhan Kumar son of Ramvilas Yadav Vill- Krumdih Ps- Dobhi Dist- Gaya
 2. Amar Saw @ Amar Kumar son of Lakhan SAw Village- Pundari Ps- dobhi Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Rambali Paswan son of Late Ramdeo Paswan village- Bhalua Ps- Dobhi Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sudhir Kumar Sinha, Advocate
For the Resp.No.2	:	Mr. Syed Asgher Najmi, Advocate
	:	Mr. Alok Kumar, Advocate
	:	Mr. Amritash Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-07-2025 Heard Mr. Sudhir Kumar Sinha, learned counsel for the appellants, Mr. Syed Asgher Najmi, learned counsel for the Respondent No.2 as well as Mrs. 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 03.01.2024 passed by the learned Court of Exclusive Special Judge SC/ST Spl.Court, Gaya in A.B.P. No. 436 of 2023 arising out of Dobhi P.S. Case No. 1198 of 2023, F.I.R. dated 27.11.2023 registered under Sections 323, 341, 504, 308, 379/34



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

3. According to the prosecution case, the informant alleged that on 25.11.2023, when he was standing at Karmauni Bazar Stand, in the meantime, the appellants along with other accused persons arrived and assaulted him. It is further alleged that one of the accused persons snatched Rs.40,000/- and gold chain from the informant.

4. Learned counsel for the appellants submits that appellants are innocent 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. From bare perusal of the FIR it appears that although appellants are named in the FIR but there is no specific allegation of assault or overt act or abusing in caste name against these appellants rather the allegation levelled against them are general and omnibus in nature and there is no injury on the record which suggest that informant has received any injury.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the Respondent No.2 have vehemently opposed the prayer for bail of the appellants and



submits that the appellant no.1 has clean antecedent and appellant no.2 has got one criminal antecedent but fairly submits that appellant no.2 is on bail in the pending matter.

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 that there is no specific allegation against these appellants rather the allegation against them are general and omnibus, 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 Exclusive Special Judge SC/ST Spl.Court, Gaya in connection with Dobhi P.S. Case No. 1198 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.

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

(Rajesh Kumar Verma, J)

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