

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.599 of 2024

Arising Out of PS. Case No.-728 Year-2023 Thana- MASAUDHI District- Patna

Pintu Yadav @ Rajesh Kumar son of Surendra Prasad R/o- Mahrajchak Ps-
Masaurhi Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Umesh Kumar @ Umesh Manjhi son of Rajendra Manjhi R/o- Sanghatpar
Musahri Masaurhi Ps- Masaurhi Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramjiban Prasad, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Respondent/s	:	Ms. Akanksha Malviya, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-07-2025 Heard Mr. Ramjiban Prasad, learned counsel for the
appellant, Mr. Sadanand Paswan, learned Special Public
Prosecutor for the State and Ms. Akanksha Malviya, learned
counsel for the opposite party no. 2.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
15.12.2023 passed by the learned Exclusive Special Judge,
S.C./S.T., Patna in connection with A.B.P. No. 11569 of 2023
arising out of Masaurhi P.S. Case No. 728 of 2023, F.I.R. dated
12.10.2023 registered under Sections 147, 149, 341, 323, 504,
354(B), 385 and 506 of the Indian Penal Code and Sections 3(i)
(r)(s)(w) and 3(2)(va) of the Scheduled Castes and Scheduled



Tribes Act.

3. According to the prosecution case, the informant alleged that for the past three years, extortion has been demanded during the occasion of Durga Puja. On 10.10.2023 at around 8:00 P.M., a commotion was heard outside. Upon going out, the informant saw that extortion in the name of *chanda* (donation) was being demanded from his elder brother by the appellant and others. The reportedly threatened the family and abused with caste name. It is further alleged that such acts of assault and abuse occur every year, including physical harassment of women.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. Although the appellant is named in the F.I.R. but the appellant has not committed any offence as alleged in the F.I.R. From a bare perusal of the F.I.R., it appears that there is no specific allegation of any assault, overt act or demand of ransom attributed against the appellant rather there is general and omnibus allegation against all the accused persons including the appellant and no offence is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellants. Further submits that the



appellant has no intention to abuse the informant in any manner.

5. Learned counsel for the opposite party no. 2 and learned Special Public Prosecutor for the State, on the other hand, have 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, appellant has clean antecedent and there is no specific allegation against the appellant as alleged in the F.I.R., 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 Exclusive Special Judge, S.C./S.T., Patna in connection with Masaurhi P.S. Case No. 728 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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