

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.665 of 2024

Arising Out of PS. Case No.-23 Year-2022 Thana- SC/ST District- Patna

Vivek Kumar S/O RAMBABU RAY VILLAGE- RAHIMA PUR, PS.
ATHMALGOLA, DISTT. PATNA.

... .. Appellant/s

Versus

1. The State of Bihar
2. USHA DEVI W/O LAL DEV DAS RESIDENT OF RAHIMA PUR, PS.
ATHMALGOLA, DISTT. PATNA.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rakesh Bihari Singh, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.
For the Respondent/s	:	Mr. Ravi Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-07-2025 Heard Mr. Rakesh Bihari Singh, learned counsel for the appellant, Mr. Ravi Bhushan, learned counsel for the respondent no. 2 and 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 08.11.2023 passed by the learned Exclusive Special Court, S.C./S.T. Act, Patna in connection with Barh S.C./S.T. Case No. 23 of 2022, F.I.R. dated 21.06.2022 registered under Sections 147, 149, 341, 424, 354(B), 379, 504 and 506 of the Indian Penal Code and Sections 3(1)(r)(s)(w)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.



3. According to the prosecution case, on 15.06.2022 at around 06:35 P.M., during the wedding of the informant's granddaughter, the accused persons along with 4-5 unknown individuals entered the informant's house. They allegedly abused the informant using caste-related slurs and objected to the celebration taking place. When the informant's family members tried to intervene, appellant and his associates assaulted the informant's grandsons and snatched a silver chain. The daughter-in-law of the informant was also allegedly assaulted and molested by the accused when she tried to intervene. It is further alleged that appellant threatened to kill the informant and her family, if a complaint was filed.

4. Learned counsel for the appellant submits that although the appellant is named in the F.I.R., but he has falsely been implicated in this case. The allegation as alleged in the F.I.R. is false and fabricated and there is no specific allegation of any assault or overt act attributed against the appellant rather there is general and omnibus allegation against all the accused persons including the appellant and other co-accused person, namely, Pramod Rai has been granted privilege of anticipatory bail vide order dated 11.07.2023 in Cr. Appeal (SJ) No. 779 of 2023 by Co-ordinate Bench of this Court. It appears from the



FIR that the date of occurrence as alleged in the F.I.R. is 15.06.2022 but the present F.I.R. is instituted on 21.06.2022 i.e. after delay of six days without giving any explanation of the said delay.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2, on the other hand, have vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the F.I.R. He along with other co-accused persons have committed present crime in question, apart from that the appellant carries one case of similar nature other than the present and fairly submits that he 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 of assault or over act against the appellant and the similarly situated co-accused person, namely, Pramod Rai has been granted privilege of anticipatory bail by Co-ordinate Bench of this Court, 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 Court of Exclusive Special Judge (S.C./S.T.) Act, Patna in connection with Complaint Case No. 23 of 2022, Special Case No. 23 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.

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

(Rajesh Kumar Verma, J)

Neha/-

U		T	
---	--	---	--

