

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.727 of 2024

Arising Out of PS. Case No.-438 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

1. Shola singh @ Rajendra Singh Son of Chhathu singh R/o village- Mardapur, P.s.- siwan Muffasil, Dist.- siwan
2. Nite Devi @ Nitu Devi Wife of Shola singh @ Rajendra Singh R/o village- Mardapur, P.s.- siwan Muffasil, Dist.- siwan

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Ragini Kumari wife of Rajan Kumar Majhi R/o village- Hajiyapur, P.S.- Gopalganj, Dist.- Gopalganj, A.P.- R/o Nayi Basti, Mahadeva, P.s.- Siwan Muffasil, Dist.- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Prashant Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-07-2025 Heard Mr. Ajay Kumar Pandey, learned counsel for the appellants, Mr. Prashant Kumar, learned counsel for the informant Mr. Binay Krishna, 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 23.11.2023 passed by the learned Court of Additional Sessions Judge-1st-cum Special Judge, Siwan, in connection with Siwan Muffasil P.S. Case No.438 of 2023, F.I.R. dated 07.08.2023 registered under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code and Sections 3(1) (r) (s) of the Scheduled



Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that on 19/07/2023 at around 11 A.M., while she was doing construction work on her land, the accused persons arrived with weapons, abused, and assaulted her and her laborers. Co-accused Sola @ Rajendra Singh took the hand pump handle, while Mister Miyan stole Rs.20,000/- from the informant's blouse and threatened her.

4. Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case. Although, the appellants are named in the F.I.R. but from a bare perusal of the F.I.R., it appears that there is no specific allegation of any assault, overt act or abusing by caste name attributed against the appellants rather there is general and omnibus allegation against all the accused persons, including these appellants and similarly situated co-accused persons, namely, Shankar Dayal Singh and Others have been granted the privilege of anticipatory bail passed by a Co-ordinate Bench of this Hon'ble Court vide order dated 22.07.2025 in Cr. Appeal (SJ). No.660 of 2024.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the informant have vehemently



opposed the prayer for bail of the appellants.

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 and circumstances, the appellants have clean antecedent, there is no specific allegation of any assault, overt act or abuse by caste name attributed against the appellants rather there is general and omnibus allegation against all the accused persons, including these appellants and similarly co-accused persons, namely, Shankar Dayal Singh and Others have been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court, 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) each with two sureties of the like amount each to the satisfaction of learned Court of Additional Sessions Judge-1st-cum Special Judge, Siwan, in connection with Siwan Muffasil P.S. Case No.438 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellants tamper 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 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)

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