

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.717 of 2024

Arising Out of PS. Case No.-288 Year-2023 Thana- DIDARGANJ District- Patna

Alavanti Devi @ Kalawati Devi W/O UPENDRA YADAV R/O VILLAGE-
NIZAMPUR, PS.- DIDARGANJ, DISTT.- PATNA.

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. BIKRAM DAS S/O SONALI DAS R/O VILLAGE- PUNADIH, PS.-
DIDARGANJ, DIST. PATNA, PIN-800001, MOB.- 8271095212.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Suresh Singh, Advocate
For the Respondent/s	:	Mr. Mukesh Kumar Mishra, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-07-2025 Heard Mr. Suresh Singh, learned counsel for the

appellant, Mr. Mukesh Kumar Mishra, learned counsel for the

informant and Mr. Sadanand Paswan, 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
16.01.2024 passed by the learned Exclusive Special Court
SC/ST Act, Patna, in connection with Didarganj P.S. Case No.
288 of 2023, F.I.R. dated 03.09.2023 registered under Sections
341, 323, 379, 504/ 34 of the Indian Penal Code and Sections
3(1) (i) (r) (s) of the Scheduled Castes and Scheduled Tribes
Act.



3. According to the prosecution case, the informant, Bikram Das, stated that he runs an egg shop for his livelihood. He alleged that Shravan Yadav, Ajay Yadav, Baskit Yadav, and Upendra Yadav's wife from Nizampur frequently came to drink alcohol and demanded extortion money. When he refused to pay, they abused and assaulted him, injuring his head, also attacked his wife's neck, and threatened to kill him if he did not pay.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. It appears from the F.I.R. that 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. Apart from that the date of occurrence, as alleged in the F.I.R. is 28.08.2023 but the present F.I.R. has been instituted on 03.09.2023, after delay of about six days, without giving any explanation of delay which suggests that the informant has filed the present case as an afterthought only to falsely implicate the appellant and other co-accused persons and no such occurrence has taken place, as alleged in the F.I.R.

5. Learned Special Public Prosecutor for the State and



learned counsel for the informant 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 and circumstances, the appellant has clean antecedent, 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 F.I.R. was instituted after a delay of four days, 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 sureties of the like amount each to the satisfaction of learned Exclusive Special Court SC/ST Act, Patna, in connection with Didarganj P.S. Case No. 288 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)

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