

Arising Out of PS. Case No.-430 Year-2023 Thana- KHIJARSARAI District- Gaya

... .. Appellant/s

Versus

- Respondent/s

For the Appellant/s : Mr. Ajay Kumar Sinha, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

4 22-07-2025 Heard Mr. Ajay Kumar Sinha, learned counsel for the
appellant and Mrs. Usha Kumari 1, learned Spl.P.P. for the State.

2. Despite valid service of notice upon Respondent No.2, no one appears on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 09.01.2024 passed by the learned Exclusive Special Judge, S.C./S.T., Special Court, Gaya in connection with A.B.P. No. 455 of 2023 arising out of Khizersarai P.S. Case No. 430 of 2023, F.I.R. dated 10.11.2023 registered under Sections 341, 323, 379, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s)/ (3)(2)(va) of the Scheduled Castes and Scheduled Tribes



Act.

4. According to the prosecution case, on 09.11.2023 at around 06:30 P.M., the accused persons allegedly attacked the informant with sharp-edged weapons, causing a head injury that led to unconsciousness. Thereafter, the accused misbehaved with the informant's sister-in-law, snatched her Hanuman Ji locket and threatened them stating that a "Passi Harijan" cannot harm them.

5. Learned counsel for the appellant submits that the 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 and there is no allegation against the appellant that he has abused the informant by his caste name and apart from that, there is no injury report available on record which suggests that the informant has received no injury and the date of occurrence as alleged in the F.I.R. is 09.11.2023 but the present F.I.R. was instituted on 10.11.2023 i.e. after delay of one day, without giving any explanation of the said delay.

6. Learned Special Public Prosecutor for the State, on



the other hand, has vehemently opposed the prayer for bail of the appellant.

7. 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.

8. Considering the aforesaid facts, appellant has clean antecedent and there is no specific allegation of any assault or overt act attributed 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., Special Court, Gaya in connection with Khizersarai P.S. Case No. 430 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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