

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.713 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- SC/ST District- East Champaran

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Uday Shankar Singh Son of Shambhu Singh Resident of Village- Karatiya,
Police Station- Kotwa, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumar Paswan Son of Prayag Paswan R/O- Vill.-Saraiya Khurd, P.S.-
Harsidhi, Distt.- East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rajnish Shandilya, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For Respondent No. 2	:	Mr. Ashok Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-08-2025 Heard Mr. Rajnish Shandilya, learned counsel for the

appellant, Mr. Ashok Kumar Singh, learned counsel for the

Respondent No. 2 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
24.08.2023 passed by the learned Special Judge SC/ST, East
Champaran, Motihari in connection with Motihari SC/ST P.S.
Case No. 42 of 2023, F.I.R. dated 11.07.2023 registered under



Sections 323, 341, 379, 420, 504, 506 of the Indian Penal Code and Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, when informant had gone to the house of the appellant to demand Rs. 3,00,000/-, which he had given to the appellant, appellant and others started abusing him by his caste name and when the informant objected to the same, appellant assaulted him.

4. Learned counsel for the appellant submits that appellant has clean antecedent and has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. It appears from the FIR itself that Respondent No. 2 has given Rs. 3,00,000/- to the appellant, but it appears from the FIR and other documents which is annexed with the FIR that Respondent No. 2 has not produced any paper in support of his contention and as far as paytm is concerned, learned counsel for the appellant submits that the amount which was annexed with the FIR which suggests that Respondent No. 2 has given the amount to the appellant. Learned counsel for the appellant further submits that appellant has given loan to one Surrender Ram and he has



repaid the loan and Respondent No. 2 in collusion with Surrender Ram has annexed that document in support of his contention. As far as allegation of assault against the appellant is concerned, it appears that there is no specific allegation in the FIR against the appellant, rather there is general and omnibus against all the accused persons including the appellant.

5. Learned counsel for respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant. Apart from that, they submitted that the appellant has assaulted and abused respondent No. 2.

6. Considering the aforesaid facts, it appears from the FIR that appellant has not abused respondent No. 2, hence, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out. As far as amount is concerned, respondent No. 2 has not produced any chit of paper, which suggests that the appellant has not received the amount in question from respondent No. 2.

7. Hence, 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 Additional Session Judge-III-cum-Special Judge SC/ST, East Champaran, Motihari in connection with Motihari SC/ST P.S. Case No. 42 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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