

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.693 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- SC/ST District- Sheikhpura

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DINESH KUMAR SINGH @ DINA SINGH S/O LATE PARMESHWAR
SINGH R/O WARD NO. 10, VILLAGE/POST- TEUS, PS.- JAIRAMPUR,
BLOCK- BARBIGHA, DIST.- SHEIKHPURA, BIHAR.

... .. Appellant/s

Versus

1. The State of Bihar
2. SARASWATI DEVI W/O SIHDHI RAM R/O VILLAGE- TEUS, PS.-
JAIRAMPUR, DIST.- SHEIKHPURA, BIHAR.

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms. Aditi Sharma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-07-2025 Heard Ms. Aditi Sharma, 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
04.01.2024 passed by the learned Court of 1st Additional
District and Sessions Judge-cum Special Judge, S.C./S.T. Act,
Sheikhpura in connection with A.B.P. No. 1118 of 2023 arising
out of Sheikhpura S.C./S.T. P.S. Case No. 43 of 2023, F.I.R.
dated 05.12.2023 registered under Sections 341, 323, 354, 504,
506 and 34 of the Indian Penal Code and Sections 3(i)(r), 3(1)(s)
and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant
was cleaning the village road on 28.11.2023 at around 6:30



A.M., when the appellant began abusing her for raising dust. Upon her objection, the appellant allegedly assaulted her with a *lathi*, causing injury to her hand and further assaulted her with fists and kicks, pushed her to the ground, hurled caste-based abused and threatened her.

5. Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. It appears from the F.I.R. itself that the date of occurrence as alleged in the F.I.R. is 28.11.2023 but the present F.I.R. has been instituted on 05.12.2023 i.e. after delay of seven days without giving any explanation of the said delay which suggests that the informant has filed the present case afterthought only to falsely implicate the appellant in the present case, apart from that, from a bare perusal of the F.I.R., it appears that there is no injury report available on record which suggests that the informant has received no injury and the appellant has not abused the informant by her caste name.

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, F.I.R. has been instituted after delay of seven days which suggests that the informant has filed the present case afterthought only to falsely implicate the appellant in the present case and there is no injury report available on record which suggests that the informant has received no injury, 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 District and Sessions Judge, cum Special Judge, S.C./S.T. Act, Sheikhpura in connection with A.B.P. No. 1118 of 2023 arising out of Sheikhpura S.C./S.T. P.S. Case No. 43 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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