

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.659 of 2024

Arising Out of PS. Case No.-77 Year-2023 Thana- ANTI District- Gaya

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1. Rajesh Yadav SON OF BHAGLU YADAV RESIDENT OF VILLAGE-CHANDAINI, PS- AANTI, DIST- GAYA
 2. AWADHESH YADAV SON OF BHAGLU YADAV RESIDENT OF VILLAGE- CHANDAINI, PS- AANTI, DIST- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. CHANDA DEVI WIFE OF MAHESH DAS RESIDENT OF VILLAGE-CHANDAINI, PS- AANTI, DIST- AURANGABAD

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailesh Kumar Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Respondent/s	:	Mr. Vishwa Ranjan Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-07-2025 Heard Mr. Shailesh Kumar Singh, learned counsel for the appellants, Mr. Vishwa Ranjan Choudhary, learned counsel for the opposite party no. 2 and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 15.12.2023 passed by the learned Exclusive Special Judge, S.C./S.T., Spl. Court, Gaya in connection with A.B.P. No. 425 of 2023 arising out of Aanti P.S. Case No. 77 of 2023, F.I.R. dated 09.09.2023 registered under Sections 147, 149, 323, 341, 354, 379, 504 and 506 of the Indian Penal Code, Section 3(1-r)(zb) of the Scheduled Castes and Scheduled Tribes Act and Section 3/4 of Prevention of Witches (Dain Practices Act, 1999).



3. According to the prosecution case, on 07.09.2023 at around 1:00 A.M., while the informant was returning alone, appellant no. 1 allegedly intercepted her near a temple and assaulted her with *lathi* and *danda*. Appellants and other accused persons, reportedly snatched her gold bangle, *payal*, gold earrings and *jitiya*. The accused also abused her using caste related slurs and accused her of being a witch (*dain*), blaming her for Brajesh Yadav's death. They threatened her to leave the village and warned of killing her entire family.

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 both the appellants rather there is general and omnibus allegation against all the accused persons including the appellants and no offence is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellants. Further submits that the appellants have no intention to abuse the informant in any manner.

5. Learned counsel for the respondent no. 2 and



learned Special Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R.

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, appellants have clean antecedent and there is no specific allegation against them as alleged in the F.I.R. rather there is general and omnibus allegation against all the accused persons including the appellants, 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) with two surities of the like amount each to the satisfaction of learned Exclusive Special Judge, S.C./S.T., Spl. Court, Gaya in connection with Aanti P.S. Case No. 77 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 their absence on two consecutive dates without sufficient reason, their 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 their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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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