

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.817 of 2024

Arising Out of PS. Case No.-117 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

1. Pramod Patel @ Pramod Kumar Rai S/O Late Gonaur Rai R/O Village- Sheohar, Ps.- Sheohar, Dist.- Sheohar.
2. Pappu Patel @Pappu S/O Shivnarayan Rai R/O Village- Sheohar, Ps.- Sheohar, Dist.- Sheohar.
3. Chandan Patel S/O Shivnarayan Rai R/O Village- Sheohar, Ps.- Sheohar, Dist.- Sheohar.
4. Mithu Patel @Madhurendra Kumar S/O Lakshminarayan Prasad R/O Village- Sheohar, Ps.- Sheohar, Dist.- Sheohar.
5. Bhim Patel @ Vinod Patel S/O Kashi Raut R/O Village- Sheohar, Ps.- Sheohar, Dist.- Sheohar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjeet Paswan S/O Ramnaresh Paswan R/O Village- Marpa, Post- Darbar Chandiha,Ps.- Majorganj, Dist.- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Devendra Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 07-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Despite the notice being validly served no one appears on behalf of the Respondent No. 2.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer of anticipatory bail vide order dated 21.12.2023 passed by the



learned Additional Sessions Judge-cum-Special Judge, Sheohar, passed in A.B.P. No. 433 of 2023 in connection with Tariyani P.S. Case No. 117 of 2019 registered for the offence/s punishable under Sections 323, 341, 379, 427/34 of the I.P.C and under Section 3(1)(r) 3(1)(s) of the SC/ST (POA) Act.

4. As per the prosecution case, the informant has alleged that while he was taking tea, the named accused persons, including the appellant, approached him and began threatening him. It is further alleged that they snatched away a sum of Rs. 15,000/- from his pocket, broke the glass of his car and even attempted to set the car ablaze; however, they fled from the spot when nearby people started gathering.

5. Learned counsel for the appellants submit that the appellants have falsely been implicated in this case. It has been submitted that from mere perusal of the F.I.R., it would be evident that there is general and omnibus allegation against all the accused persons and there is no reference to any grievous injury sustained by the informant. It has been next submitted that no case under SC/ST Act is being made out from bare perusal of the F.I.R. It has lastly been submitted that the appellants carry clean antecedent.

6. Learned Spl. P.P. for the State has vehemently



opposed the bail petition of the appellant.

7. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order dated 21.12.2023 passed by the learned Additional Sessions Judge-cum-Special Judge, Sheohar, passed in A.B.P. No. 433 of 2023 in connection with Tariyani P.S. Case No. 117 of 2019, is set aside against the appellants. The criminal appeal is allowed.

8. Considering the aforesaid submission, facts and circumstances of the case, let the appellants above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Tariyani P.S. Case No. 117 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) The appellant is directed to remain physically present before the learned Court below on each and



every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellants are liable to be cancelled.

(ii) The appellant shall not, in any manner, threaten, contact, or attempt to influence the informant or any witness connected with the case.

9. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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