

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.712 of 2024

Arising Out of PS. Case No.-747 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Amrit Singh @Amit Kumar Son of Raj Kishore Singh @ Raj Kishore Roy @ Raj Kishore Ray Resident of Village- Rajaura, Sikandarpur, (SIKANDARPUR), Near Mandir, Ward No. 08, Ps- Muffasil, Distt- Begusarai
 2. Shivam Kumar Son of Raj Kishore Singh @ Raj Kishore Roy @ Raj Kishore Ray Resident Of Village- Rajaura, Sikandarpur, (SIKANDARPUR), Near Mandir, Ward No. 08, Ps- Muffasil, Distt- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Bharat Paswan Son of Durgi Paswan Resident of Village- Rajaura, Ps- Muffasil, Distt- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sandip Kumar Gautam, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl.P.P.
For the Resp. No. 2	:	Mr. Pritish Kumar Lal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-07-2025 Heard Mr. Sandip Kumar Gautam, learned counsel for the appellants, Mrs. Usha Kumari 1, learned Special Public Prosecutor for the State and Mr. Pritish Kumar Lal, learned counsel for the Respondent No. 2.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 21.12.2023 passed in A.B.A. No. 2714 of 2023 by the learned Court of Exclusive Special Judge, SC/ST, (POA) Act, Begusarai in connection with Muffasil P.S. Case No. 747 of 2018, F.I.R.



dated 14.12.2018 registered under Sections 341, 323, 324, 34 of the Indian Penal Code and Sections 3(r)(s) of the Scheduled Castes and Scheduled Tribes (POA) Act.

3. According to the prosecution case, on 14.12.2018, the petitioners are said to have assaulted the son of the informant with *fatta* and pistol over his hand and shoulder due to which he got injured and it is further alleged that they also abused him with caste name.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated. He further submits that from a bare perusal of the FIR, it appears that although, the appellants are named in the FIR but there is no specific allegation of any assault or overt act attributed against both the appellants rather there is general and omnibus allegation against all the accused persons including both the appellants.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R



and apart from that it appears from the FIR that they have actively participated in the present crime in question.

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 facts and circumstances of the case, the appellants have clean antecedent and there is no specific allegation of any assault or overt act attributed against both the appellants rather there is general and omnibus allegation against all the accused persons including both the appellants, let the appellants, above named, in the event of their arrest to 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) each with two surities of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST, (POA) Act, Begusarai in connection with Muffasil P.S. Case No. 747 of 2018, 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 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 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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