

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.756 of 2024

Arising Out of PS. Case No.-160 Year-2023 Thana- PANDARAK District- Patna

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Amardeep Kumar @Makru Singh SON OF LATE SACHO SINGH @
SACHCHIDANAND SINGH Resident of Village- KONDI, PS-
PANDARAK, DISTT- PATNA

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Anil Kumar Singh, Advocate
For the Respondent/s	:	Mr. Navin Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-07-2025 Heard Mr. Anil Kumar Singh, learned counsel for

the appellant, Mr. Navin Kumar, learned counsel for the

informant as well as Mr. Binay Krishna, 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
03.01.2024 passed by the learned Court Exclusive Special Court
SC/ST, Patna, in connection with Pandrak P.S. Case No.160 of
2023, F.I.R. dated 16.07.2023 registered under Sections 341,
323,, 506, 504/ 34 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, the informant
reported that a month ago, he told a reporter at Primary School



Benua Bazar that school funds were not used for construction.

On 15.07.2023 at 7:30 AM, while going to Barh, the accused surrounded, abused, assaulted, and threatened him.

4. Learned counsel for the appellant submits that it appears from the F.I.R., that the date of occurrence, as alleged in the F.I.R. is 15.07.2023 but the present F.I.R. has been instituted on 16.07.2023, after delay of one day, without giving any explanation of delay. Although, the appellant is named in the F.I.R., but from a bare perusal of the F.I.R. there is no specific allegation of any assault, overt act or abuse by caste name attributed against the appellant rather there is general and omnibus allegation against all the accused persons, including the appellant and there is case and counter case and from a bare perusal of the F.I.R., it appears that no case is made out against the appellant under the provisions of SC/ST Act.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the informant have vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the F.I.R. and the appellant carries one case other than the present but fairly submits that he is on bail in the pending matter.

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 and circumstances, there is no specific allegation of any assault, overt act or abuse by caste name attributed against the appellant and there is case and counter case, 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 sureties of the like amount each to the satisfaction of learned Exclusive Special Court of SC/ST, Patna, in connection with Pandrak P.S. Case No.160 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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