

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.895 of 2024

Arising Out of PS. Case No.-324 Year-2019 Thana- FATUA District- Patna

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1. Vijay Sahni S/o Bhagwan Sahni Resident of Village Saidpur, P.O and P.S. Fatwah, District Patna
 2. Mangal Kumar @ Mangal Sahni S/o Ganesh Sao @ Binod Sahni Resident of Village Saidpur, P.O and P.S. Fatwah, District Patna
 3. Bishu Sao S/o Antu Sao Resident of Village Saidpur, P.O and P.S. Fatwah, District Patna
 4. Lalan Kumar S/o Ranjeet Sao Resident of Village Saidpur, P.O and P.S. Fatwah, District Patna
 5. Banti Kumar S/o Late Sanjay Sao Resident of Village Saidpur, P.O and P.S. Fatwah, District Patna
 6. Sonu Kumar s/o Ganesh Sao Resident of Village Saidpur, P.O and P.S. Fatwah, District Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Surya Kumar S/o Bishwanath Rajak Resident of Village Saidpur, P.O and P.S. Fatwah, District Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Surendra Kumar Mishra, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For Respondent No. 2	:	Mr. Md. Shadab Alam Wazdi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-08-2025 Heard Mr. Surendra Kumar Mishra, learned counsel for the appellants, Md. Shadab Alam Wazdi, learned counsel for the respondent No. 2 and Mr. Sadanand Paswan, 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 30.11.2023 passed by the learned Special Judge, SC/ST, Patna



in connection with Fatuha P.S. Case No. 324/2019 (ABP No. 9737 of 2023), F.I.R. dated 22.05.2019 registered under Sections 147, 149, 341, 323, 307, 504 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, appellants are alleged to have abused the informant by his caste name and assaulted him, due to which he received injury on his head.

4. Learned counsel for the appellants submits that appellant Nos. 2 to 6 have clean antecedent and appellant No. 1 carries one more case other than the present case and they have falsely been implicated in this case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. From a bare perusal of the FIR, it appear that although the appellants are named in FIR but there is no specific allegation of any assault, overt act or abusing by caste name attributed against these appellants, rather there is general and omnibus allegations against all the accused persons including these appellants and the injury is found to be simple in nature.

5. Learned counsel for respondent No. 2 as well as learned Special Public Prosecutor for the State have



vehemently opposed the prayer for bail of the appellants.

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, appellant Nos. 2 to 6 have clean antecedent, there is no specific allegation of any assault, overt act or abusing by caste name attributed against these appellants as alleged in the FIR, rather there is general and omnibus allegation and the occurrence took place in the house of the informant, 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) each with two surities of the like amount each to the satisfaction of learned Special Judge, SC/ST, Patna in connection with Fatuha P.S. Case No. 324/2019 (ABP No. 9737 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, his 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 his 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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