

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.798 of 2024

Arising Out of PS. Case No.-30 Year-2023 Thana- SC/ST District- Bhagalpur

Deepak Kumar Yadav S/o Uchit Yadav R/o vill - Agarpur, Yadav Tola, P.s. -
Lodipur, Distt. - Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Kiran Devi W/o Balram Chaudhary R/o vill - Agarpur, Yadav Tola, P.s. -
Lodipur, Distt. - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Subodh Prasad, Advocate
For the Respondent/s	:	Mr. Pankaj Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

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

informant as well as Ms. Usha Kumari 1 , 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
12.01.2024 passed by the learned Additional District and
Session Judge-III-cum-Special Court SC/ST, Bhagalpur, in
connection with SC/ST P.S. Case No.30 of 2023, F.I.R. dated
10.11.2023 registered under Sections 341, 323, 354 B, 325,
506, 504 of the Indian Penal Code and Sections 3(i) (r) (s) / 3
(2) (va) of the Scheduled Castes and Scheduled Tribes Act.



3. According to the prosecution case, on 24.10.2023, while the victim was going to the toilet, Deepak Kumar tore her blouse, leaving her semi-nude. The accused attempted to outrage her modesty, hurled caste-based abuses, assaulted her with lathis, and snatched her silver chain and gold earrings.

4. Learned counsel for the appellant submits that the appellant has clean antecedent. The allegation, as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence, as alleged in the F.I.R. The present case is counter blast of Lodipur P.S. Case No.200 of 2023 filed by the father of the appellant against the son of the informant. Although, the informant has filed the present false case against the appellant, but from a bare perusal of the F.I.R., it appears that the date of occurrence, as alleged in the F.I.R. is 24.10.2023 but the present F.I.R. has been instituted on 10.11.2023, after delay of 16 days, without giving any explanation of delay which suggests that the informant has filed the present false case only to save her skin with Lodipur P.S. Case No.200 of 2023.

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.

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, the appellant has clean antecedent, the present case is counter blast of Lodipur P.S. Case No.200 of 2023 and the present F.I.R. has been instituted after delay of 16 days afterthought only to falsely implicate the appellant in the present 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 Additional District and Session Judge-III-cum-Special Court SC/ST, Bhagalpur, in connection with SC/ST P.S. Case No.30 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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