

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.898 of 2024

Arising Out of PS. Case No.-9 Year-2023 Thana- SC/ST District- Aurangabad

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1. Rajni Kant Kumar @ Chunnu Sao @ Rajnikant Son of Laljee Prasad Sao Resident of Mohalla -agani, Ps- Daudnagar, Distt- Aurangabad
 2. Lekha Sao Son of Late Basudev Sao Resident of Mohalla -agani, Ps- Daudnagar, Distt- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Lutan Paswan Son of Late Ramkrit Resident of Village- Agni, Ps- Daudnagar, Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anil Sinha, Advocate
For the State	:	Ms. Usha Kumari 1, Spl. P.P.
For Respondent No. 2	:	Ms. Leelawati Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-08-2025 Heard Mr. Anil Sinha, learned counsel for the appellants, Ms. Leelawati Kumari, learned counsel for the respondent No. 2 and 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 29.01.2024 passed by the learned Special Judge SC/ST-cum- 1st Additional District & Sessions Judge, Aurangabad in connection with SC/ST P.S. Case No. 09 of 2023 (ABP No. 188 of 2024), F.I.R. dated 13.06.2023 registered under Sections 341, 323, 325, 504, 506, 34 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, appellants are alleged to have abused and assaulted the son of the informant and when wife and daughter of informant came to rescue him, they also assaulted them.

4. Learned counsel for the appellants submits that the appellants have one criminal antecedent other than the present one. They are innocent and 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 and the appellants have not committed any offences as alleged in the F.I.R. It appears from the FIR that the specific allegation is against the co-accused Ramadhar Dubey that he abused the informant by his caste name and so far as allegation against these appellants are concerned that, although they are named in the FIR but there is no specific allegation of any assault, overt act or abusing by caste name is attributed against the appellants, rather there is general and omnibus allegation against these appellants.

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 and submits that the appellants are named in FIR and they have with



common intention had abused the informant and also assaulted him and his family members. Apart from the aforesaid, the appellants are carrying one criminal antecedent other than the present one, but fairly submits that they are 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, 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-cum-1st Additional District & Sessions Judge, Aurangabad in connection with SC/ST P.S. Case No. 09 of 2023 (ABP No. 188 of 2024), 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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