

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.935 of 2024

Arising Out of PS. Case No.-658 Year-2023 Thana- FATEHPUR District- Gaya

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1. Kusum Devi Wife of Sitaram Yadav Resident of Village- Sataniya, Police Station- Fatehpur, Dist.- Gaya
 2. Shoshan Yadav @ Shyam Sundar Prasad Son of Sitaram Yadav Resident of Village- Sataniya, Police Station- Fatehpur, Dist.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Mina Devi Wife of Mohan Manjhi Resident of Village- Sikari, Police Station- Fatehpur, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Aryan Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-08-2025 Heard Mr. Aryan Singh, learned counsel for the appellants as well as Mrs. Usha Kumari 1, learned Spl.P.P. for the State.

2. Despite valid service upon the Respondent No. 2, no one has appeared on behalf of the Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 15.12.2023 passed by the learned Court of Exclusive Special Judge, SC/ST Special Court, Gaya passed in A.B.P. No. 424 of 2023 arising out of Fatehpur P.S. Case No. 658 of 2023, F.I.R. dated 04.09.2023 registered under Sections 341, 323, 308, 504,



506/ 34 of the Indian Penal Code and Sections 3(i) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that when she protested the appellants from cutting bush at the med of her field, then the accused persons abused her and assaulted her by means of *khanti*. It is further alleged that when the son of the informant came to rescue her, the accused persons assaulted her son also.

5. 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 and the appellants have not committed any offences as alleged in the F.I.R. There is case and counter case between the parties. It appears from the FIR that due to some petty dispute the present occurrence has taken place and there is no specific allegation against these appellants rather the allegation against them are general and omnibus that they have assaulted the son of the informant but there is no injury report available on record which suggest that son of the informant has received no injury and apart from that there is no allegation against these appellants that they have abused the informant by her caste name.



6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.

7. 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.

8. Considering the aforesaid facts and circumstances, appellants have clean antecedent and there is case and counter case between the parties and there is no injury report available on record which suggest that son of the informant has received injury and there is no allegation against these appellants that they have abused the informant by her caste name, 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) with two surities of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST Special Court, Gaya passed in connection with Fatehpur P.S. Case No. 658 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, 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.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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