

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.957 of 2024**

Arising Out of PS. Case No.-451 Year-2023 Thana- NAVINAGAR District- Aurangabad

1. Vasudeo Sao @ Vasdeo Saw Son of Late Kishun Sao R/o Village- Devgana, P.S.- Nabinagar, District- Aurangabad (Bihar)
2. Pramod Sao Son of Vasudeo Sao R/o Village- Devgana, P.S.- Nabinagar, District- Aurangabad (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Babulal Ram Son of Late Banshi Ram R/o Village- Manjhiawa, P.S.- Nabinagar, District- Aurangabad (Bihar)

... .. Respondent/s

**Appearance :**

|                     |   |                                     |
|---------------------|---|-------------------------------------|
| For the Appellant/s | : | Mr. Aman Vishal, Advocate           |
| For the Resp. No. 2 | : | Mr. Pramendra Kumar Singh, Advocate |
| For the State       | : | Mr. Sadanand Paswan, Spl. P.P.      |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      05-08-2025                      Heard Mr. Aman Vishal, learned counsel for the appellants, Mr. Pramendra Kumar Singh, learned counsel for the Respondent No. 2 as well as Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 30.01.2024 in A.B.P. No. 201 of 2024 passed by the learned Special Judge (Sc/ST)-cum-1st Additional District & Sessions Judge, Aurangabad in connection with Nabinagar P.S. Case No. 451 of 2023 F.I.R. dated 05.12.2023 registered under



Sections 341, 323, 325, 379, 504, 506, 34 of the Indian Penal Code and Sections 3(1) (r), 3(1)(s) of the SC/ST Act.

3. Allegation against the appellants is that he along with other co-accused persons have assaulted the informant and also abused him by saying his caste name.

4. Learned counsel for the appellants submits that the appellants have clean antecedents and they have been falsely 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 offence as alleged in the F.I.R. Although, the appellants are named in the F.I.R. but from perusal of the F.I.R. it appears that the F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including these appellants and apart from that the informant has also alleged in the F.I.R. that the appellants have abused by saying his caste name and in second part, there is specific allegation against appellant no. 1, namely, Vasudeo Sao @ Vasdeo Saw that he has assaulted with *lathi* on the head of the informant. Learned counsel for the appellants further submits that there is no injury report available on record which suggests that the informant has not received any injury.

5. Learned counsel for the Respondent No. 2 as well



as learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the appellants and submits that the appellants are named in the F.I.R. and there is specific allegation against them that they have assaulted to the informant and also abused by saying his caste name.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts and circumstances of the case, 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 sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad in connection with Nabinagar P.S. Case No. 451 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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 dated 30.01.2024 is set aside and this appeal stands allowed.

**(Rajesh Kumar Verma, J)**

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