

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1080 of 2024

Arising Out of PS. Case No.-656 Year-2023 Thana- HARSIDHI District- East Champaran

1. Nisha Devi W/o Raju Singh Resident of Village- Dabnahi, Danahi, P.S. Harsidhi, District-East Champaran
2. Shatrudhan Singh S/o Srigason Singh R/o vill - Machharganwa, P.S.- Kotwa, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Uma Devi W/o Rambali Ram Resident of Village- Danahi, P.S. Harsidhi, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Balgovind Sharma, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-08-2025 Despite valid service of notice upon the Respondent

No. 2, no one appears on behalf of the Respondent No. 2.

2. Heard Mr. Balgovind Sharma, learned counsel for the appellants and Mr. Binay Krishna, learned Spl.P.P. for the State.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 06.01.2024 passed by the learned Court of Special Judge SC/ST Act, East Chamaparan in connection with Harsidhi P.S. Case No. 656 of 2023, F.I.R. dated 14.11.2023 registered under Sections 341, 323, 354(B), 379, 324, 326, 504, 506 and 34 of



the Indian Penal Code and Sections 3 (i) (r) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, all the accused persons including these appellants armed with weapons have abused by informant's caste name. It is further alleged that the co-accused, Raju Singh stabbed the husband and son of the informant by means of knife.

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. He further submits that it appears from the F.I.R that the present F.I.R has been instituted after delay of one day. Apart from that it appears from the F.I.R that the specific allegation of assault is against co-accused, namely Raju Singh and Vikki Kumar. Although the appellants are named in the F.I.R but there is no specific allegation of assault or abuse by taking the caste name against these appellants.

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 that the appellants have clean antecedent and there is no allegation of assault or abuse against these appellants, let the appellants, above named, in the event of their arrest to 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 Special Judge SC/ST Act, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 656 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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