

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1059 of 2024

Arising Out of PS. Case No.-491 Year-2023 Thana- MINAPUR District- Muzaffarpur

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1. Jayanti Devi Wife Of Santosh Prasad
 2. Kalawati Devi @ Manwati Devi Wife Of Gagarnath Prasad
Both Resident Of Village - Darahi Patti, P.S. - Minapur, District - Muzaffarpur

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sita Devi Wife Of Raghu Paswan Resident Of Village - Koilwara, P.S. - Minapur, District - Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sunil Kumar Pandey, Advocate
For Respondent No.2	:	Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Ms.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-08-2025 Heard Mr.Sunil Kumar Pandey, learned counsel for the appellants, Mr. Arvind Kumar, learned counsel for 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) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 04.01.2024 in A.B.P. No.4631 of 2023 passed by the learned Special Judge SC/ST (POA) Act, Muzaffarpur in connection with Minapur P.S.Case No. 491 of 2023, dated 17.11.2023 registered under Sections 341, 323, 379, 504, 506, 354(B), 307/34 of the Indian Penal Code as well as under



Sections 3(I)(r)(s),3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes Act as amended 2014.

3. Allegation against the appellants is that they caught hold the informant and co-accused person, namely, Santosh Kumar assaulted to the informant by means of stick of spade causing injury on her head.

4. Learned counsel for the appellant submits that the appellants have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR itself that there is specific allegation against the appellants rather allegation against the appellants that they caught hold the informant and co-accused person, namely, Santosh Kumar assaulted to the informant. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case due to reason that co-accused person, namely, Santosh Kumar has filed a Complaint Case bearing Complaint Case No.2893 of 2023 against the Officer-in-Charge of Minapur Police Station, namely, Rajesh Baitha and the learned court below has taken cognizance against the S.H.O. of Minapur Police Station and others on 30.10.2023 and 30.11.2023 respectively and due to this reason the appellants have falsely been implicated in the present case. Although the appellants are



named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against both the appellants and the injury report of the informant suggests that the injury is simple in nature.

5. The learned counsel for respondent No.2 as well as learned Spl.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the appellants and submits that the appellants are named in the FIR but fairly submits that there is no specific allegation/acquisition against both the appellants as alleged in the FIR.

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

7. Hence, 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 (POA) Act, Muzaffarpur in connection with Minapur P.S. Case No. 491 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section



482(2) of the BNSS, 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 tamper 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.

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

(Rajesh Kumar Verma, J)

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