

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1188 of 2024

Arising Out of PS. Case No.-162 Year-2023 Thana- DEV District- Aurangabad

Vinesh Yadav S/O Late Narayan Yadav Resident of Village- Bishrampur, P.S-
Deo, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kiran Devi W/O Sudama Bhuiya Resident Of Village-Vishrampur, P.S- Deo,
District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rahul Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Resp. No. 2	:	Mr. Ramchandra Sahni, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-08-2025 Heard Mr. Rahul Kumar Singh, learned counsel for

the appellant, Mr. Ramchandra Sahni, learned counsel for

respondent no. 2 and Mr. Binay Krishna, learned Special Public

Prosecutor 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-
Additional District & Sessions Judge-I, Aurangabad in ABP No.
154 of 2024 in connection with Deo P.S. Case No. 162 of 2023,
F.I.R. dated 03.07.2023 registered under Sections 147, 149, 341,
323, 448, 354(b), 427, 504, 506, 509/34 of the Indian Penal
Code and Sections 3 (i) (r) (s) (w)/3 (2) (va) of the Scheduled



Castes and Scheduled Tribes Act.

3. According to the prosecution case, the appellant over a petty dispute, assaulted the respondent no. 2 and his family members and also abused them by taking their caste name.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has 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 appellant has not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R that in the background of land dispute the present occurrence has taken place. Although, the appellant is named in the FIR but there is no specific allegation of assault or overt act or abusing against this appellant rather there is general and omnibus allegation against all the accused persons including this appellant. Apart from that the date of occurrence as alleged in the FIR is 24.06.2023 but the present FIR has been instituted on 03.07.2023 i.e. after delay of about ten days, afterthought, only to falsely implicate the appellant and other co-accused persons. He further refers to paragraph no.18 of the judgment reported in **(2020) 10 SCC 710 (Hitesh Verma vs. State of Uttarakhand**



& Anr.) which is quoted hereinbelow:-

“Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or ScheduledTribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land.

5. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1) (r) of the Act is not made out.”

6. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant.

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, the appellant has clean antecedent, there is no specific allegation of any assault or overt act or abusing against the appellant and FIR has been instituted after delay of ten days, let the appellant, above named, in the event of his 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 Special Judge (SC/ST)-cum-Additional District & Sessions Judge-I, Aurangabad in connection with Deo P.S. Case No. 162 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. Appellant 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant 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 appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the appellant. 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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