

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1205 of 2024

Arising Out of PS. Case No.-363 Year-2023 Thana- BUNIYAD GANJ District- Gaya

1. Lallu Yadav @ Sanjay Kumar S/O- Yogendra Yadav @ Jogi Yadav R/O- Village- Shekhabigha, P.O.- Khanjahapur, P.S.- Buniyadganj, Dist.- Gaya.
2. Gugli Devi @ Bugali Devi W/O- Yogendra Yadav @ Jogi Yadav R/O- Village- Shekhabigha, P.O.- Khanjahapur, P.S.- Buniyadganj, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shanti Devi W/O- Ajay Manjhi R/O- Village- Seikhabigha, P.O.- Khanjahapur, P.S.- Buniyadganj, Dist.- Gaya.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nafisu Zzoha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 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. Nafisu Zzoha, learned counsel for the appellants Mr. Sadanand Paswan, 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 30.0.2024 passed by the learned Court of Exclusive Special Judge, SC/ST, Gaya in connection with Buniyadganj P.S. Case No. 363 of 2023, F.I.R. dated 14.12.2023 registered under Sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the Scheduled Castes



and Scheduled Tribes Act.

4. According to the prosecution case, all the accused persons including these appellants have assaulted and abused the informant and family members by taking their caste name.

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 date of occurrence is 12.12.2023 but the present F.I.R has been instituted on 14.12.2023 i.e., after delay of two days afterthought only to falsely implicate the appellants in the present case. Although the appellants are named in the F.I.R but there is no specific allegation against the appellants rather there is general and omnibus allegation against all the accused persons including these appellants. Apart from that the informant has received injury but the injury report of the informant suggest that the injury is simple in nature caused by hard and blunt substance.

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 the injury of the informant is simple in nature, 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 Exclusive Special Judge, SC/ST, Gaya in connection with Buniyadganj P.S. Case No. 363 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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