

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1112 of 2024

Arising Out of PS. Case No.-117 Year-2023 Thana- DHOLBAJJA District- Bhagalpur

1. Manik Yadav S/o Late Bauku Yadav R/o Vill - Navin Nagar Jharkahwa, Post - Kadwa Diyara, P.S. - Dholbajja (Kadwa), Dist. - Bhagalpur
2. Santosh Yadav S/o Sarvind Yadav R/o Vill - Navin Nagar Jharkahwa, Post - Kadwa Diyara, P.S. - Dholbajja (Kadwa), Dist. - Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Rekha Devi W/o Triveni Sharma R/o Vill - Male Gram, P.S. - Kadwa O.P., Dist. - Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjeet Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Resp. No. 2	:	Mr. Ashok Kumar No. 6, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-08-2025 Heard Mr. Ranjeet Kumar Singh, learned counsel for the appellants, Mr. Ashok Kumar No. 6, learned counsel appearing on behalf of the Respondent No. 2 as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 18.01.2024 passed by the learned Court of Additional District & Sessions Judge III-cum-Special Judge (SC/ST) Bhagalpur in connection with Dholbajja (Kadwa) P.S. Case No. 117 of 2023 (Special SC/ST Case No. 219 of 2023), F.I.R. dated 23.10.2023 registered under Sections 147, 341, 323, 354, 354B, 504 and 506 of the Indian Penal Code and Sections 3 (i) (r) (s) and 3 (2)



(va) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, all the accused persons including these appellants assaulted and abused the informant and her family members by their caste name and also torn the clothes of informant and her daughter.

4. Learned counsel for the appellants submits that appellants are innocent 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 due to some petty dispute the present occurrence has taken place. Although some of the family members of the informant have received injury but the injury report of the injured person suggest that all the injuries are simple in nature caused by hard and blunt substance and the second part of the occurrence took place in the house of the appellant which is not the public place, so no case is made out under the SC/ST Act against these appellants. He further submits that there is case and counter case between the parties.

5. 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 appellants and submits that the appellants carries two criminal antecedents each other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the appellants are on bail in both the cases.

6. 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.

7. Considering the afroesaid facts and circumstances that the injuries received by the injured persons are simple in nature and the occurrence took in the house of the appellants so no case is made out under the SC/ST Act, 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 Additional District & Sessions Judge III cum Special Judge (SC/ST Act), Bhagalpur in connection with Dholbajja (Kadwa) P.S. Case No. 117 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.

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

(Rajesh Kumar Verma, J)

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