

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1480 of 2023

Arising Out of PS. Case No.-204 Year-2021 Thana- PATAHI District- East Champaran

Kedar Singh @ Ravi Shankar Kumar S/O Raghunath Singh Resident Of
Village- Gram Panchayat Raj Saraiya Gopal, P.S- Patahi, Distt.- East
Champaran.

... .. Appellant/S

Versus

1. The State Of Bihar
2. Chhotu Baitha S/O Bijay Baitha R/O Village- Nunfarwa, P.S- Patahi, Distt.-
East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-04-2025 Despite of entered appearance through Vakalatnama
on behalf of respondent No.2, no one appears on behalf of
respondent No.2.

2. Heard Mr.Abhishek Kumar,learned counsel for the
appellant and Mr.Binay Krishna, learned Spl.P.P. for the State.

3. This is an appeal under Section 14-A(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for anticipatory bail vide
order dated 21.02.2023 in A.B.P. No. 319 of 2023 passed by the
learned Special Judge S.C./S.T. Act, East Champaran, Motihari
in connection with Patahi P.S. Case No. 204 of 2021 registered



under Sections 147, 341, 323, 354(B), 504, 506 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

4. The informant alleges that he worked as a driver along with Sunil Kumar in the house of one Amit Abhishek @ Laddu Singh and, on 22.10.2021, Laddu Singh had gone to Motihari for some work. Further, the father of Laddu Singh asked the informant, Sunil Kumar and Siyaram Mahto to go to the place of Amit Jha for delivering some paper. It is alleged that the moment the informant along with his friend reached the house of Amit Jha where the accused persons including the appellant were present from before. It is alleged that Umesh Chandra Singh addressed the informant by his caste name and ordered to assault on which Madhu Singh assaulted the informant with the butt of a pistol on his head and thereafter all the accused persons started humiliating in various ways. Thereafter, it is alleged that Amit Jha came who was caught by Sanjay Jha @ Mintu Jha and was assaulted by rest of the accused persons. It is alleged that the accused persons thinking that the informant and the injured have died, as such, fled away from the place of occurrence. It is alleged that thereafter a Panchayati was also done on account of which there was delay in instituting the present FIR.



5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. It appears from the FIR that there is specific allegation of assault attributed against co-accused person, namely, Madhu Singh and there is no specific allegation of any assault or overt-act attributed against the appellant. As per allegation of abusing word is against the informant, it transpires from the FIR that the abusing word as mentioned in the FIR is not come under the purview of SC/ST Act and it transpires from the FIR itself also that the date of occurrence as alleged in the FIR is 22.10.2021 but the present FIR has been instituted on 01.11.2021 after delay of about 10 days without giving any explanation of delay and apart from that, co-accused persons, namely, Rupak Singh @ Rupak Kumar and others have been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 08.08.2022 passed in Cr. Appeal (SJ) No.1372 of 2022.

6. The learned Spl.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellant and submits that the appellant carries two more cases other than the present one but fairly submits that the appellant is on bail in both the cases, as mentioned in para-3 of this appeal.



7. 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.

8. Hence, let the appellant, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Special Judge S.C./S.T. Act, East Champaran, Motihari in connection with Patahi P.S. Case No. 204 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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/her absence on two consecutive dates without sufficient reason, his/her 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)

Nitesh/-

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