

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1656 of 2024

Arising Out of PS. Case No.-987 Year-2023 Thana- GAYA MUFASIL District- Gaya

1. Chandan Kumar SON OF KISHORI PRASAD @ KISHORI YADAV
RESIDENT OF VILLAGE- BAIJAL TETARIYA, PS- MUFASSIL, DIST-
GAYA
2. RAKESH KUMAR SON OF BAIJU YADAV RESIDENT OF VILLAGE-
BAIJAL TETARIYA, PS- MUFASSIL, DIST- GAYA
3. MANOJ KUMAR SON OF SHAMBHU YADAV @ SAMBHU YADAV
RESIDENT OF VILLAGE- BAIJAL TETARIYA, PS- MUFASSIL, DIST-
GAYA
4. GUDDU KUMAR SON OF SANJAY MISTRI RESIDENT OF VILLAGE-
BAIJAL TETARIYA, PS- MUFASSIL, DIST- GAYA
5. SHANKAR KUMAR SON OF RAJ KUMAR MISTRI RESIDENT OF
VILLAGE- BAIJAL TETARIYA, PS- MUFASSIL, DIST- GAYA
6. SURAJ KUMAR SON OF HARIHAR YADAV RESIDENT OF VILLAGE-
BAIJAL TETARIYA, PS- MUFASSIL, DIST- GAYA
7. PRINCE KUMAR SON OF GHANSHYAM YADAV RESIDENT OF
VILLAGE- BAIJAL TETARIYA, PS- MUFASSIL, DIST- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. SANTOSH MANJHI SON OF YADUNAND MANJHI RESIDENT OF
VILLAGE- BAIJAL TETARIYA, PS- MUFASSIL, DIST- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Diwakar, Advocate
For the Respondent/s : Mr. Binay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-07-2025 Heard Mr. Diwakar, learned counsel for the

appellants and Mr. Binay Krishna, learned Spl.P.P. for the State.

2. Despite valid service of notice upon Respondent

No.2, no one appears on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against



refusal of the prayer for anticipatory bail by order dated 18.09.2023 passed by the learned Exclusive Special Judge, S.C./S.T., Gaya in connection with Mufassil P.S. Case No. 987 of 2023, F.I.R. dated 18.09.2023 registered under Sections 341, 323, 427, 354, 436, 504 and 506 of the Indian Penal Code and Section 3(1)(r)(s)2(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleges that while returning from a Vishwakarma idol immersion programme, appellants and other co-accused persons attempted to outrage the modesty of female inmates of his household who were went to attend nature's call. When the informant intervened, he was allegedly assaulted with a pistol butt, fists and kicks. It is further alleged that accused persons verbally abused them using caste-based slurs and issued death threats.

5. Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case. Although the appellants are named in the F.I.R., but from a bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the appellants rather there is general and omnibus allegation against the appellants and other co-accused



persons and no offence is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellants. Further submits that the appellants have no intention to abuse the informant in any manner.

6. Learned Special Public Prosecutor for the State, on the other hand, 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, appellants have clean antecedent and there is no specific allegation against them in the F.I.R., 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) with two surities of the like amount each to the satisfaction of learned Exclusive Special Judge, S.C./S.T., Gaya in connection with Mufassil P.S. Case No. 987 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 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.

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

(Rajesh Kumar Verma, J)

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