

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1691 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- RAMNAGAR District- West Champaran

1. Prabhu Patel Son of Late Jagmohan Patel Resident of Village- Nepali Tola, Ward No. 3, Police Station- Ramnagar, Dist.- West Champaran
2. Sanjay Patel Son of Prabhu Patel Resident of Village- Nepali Tola, Ward No. 3, Police Station- Ramnagar, Dist.- West Champaran
3. Urmial Devi Wife of Manohar Patel Resident of Village- Nepali Tola, Ward No. 3, Police Station- Ramnagar, Dist.- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Punam Devi Wife of Shambhu Godn Resident of Village- Nepali Tola, Ward No.3, Police Station- Ramnagar, Dist.- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sarvesh Kashyap, Advocate
For the State	:	Mrs. Usha Kumari 1, A.P.P.
For the Resp. No. 2	:	Mr. Vijay Kumar Singh No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 15-07-2025 Heard Mr. Sarvesh Kashyap, learned counsel for the appellants, Mr. Vijay Kumar Singh No. 1, learned counsel for the respondent no. 2 and Mrs. Usha Kumari 1, learned Spl.P.P. for the State.

2. Learned counsel for the appellants fairly submits that during the pendency of this present appeal, the appellant no. 2, namely, Sanjay Patel has been arrested. The present appeal with respect to appellant no. 2 has become infructuous.

3. Permission is accorded.

4. The present appeal with respect to appellant no. 2 is



dismissed as withdrawn.

5. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 19.02.2024 passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge (S.C./S.T.), Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 24 of 2024, F.I.R. dated 15.01.2024 registered under Sections 448, 341, 323, 324, 307, 380, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

6. According to the prosecution case, the informant was attacked at her home by her neighbours and the F.I.R. named accused persons. It is further alleged that the appellant no. 1, Prabhu Patel, using caste-based slurs allegedly ordered his elder son to kill her, who then attacked her by means of farsa, causing head injury. The accused also stole Rs. 6,000/- in case, a *magalsutra* worth Rs. 16,000/- and a *payal* worth Rs. 4,000/-. The informant mentioned she had borrowed Rs. 20,000/- from the accused persons but had already repaid Rs. 14,000/-.

7. Learned counsel for the appellants submits that the appellant no. 2 have clean antecedent and appellant no. 1 has one case other than present case but he is on bail in the pending



matter. Although the appellants are named in the F.I.R., but 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 a bare perusal of F.I.R., it appears that the occurrence is alleged to have taken place in the house of the respondent and the provisions of S.C./S.T. shall not be attracted against the appellants and no offence is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellants.

8. Learned counsel for the respondent no. 2 and learned Special Public Prosecutor for the State, on the other hand, have vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R., apart from that the informant has received injury.

9. 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.

10. Considering the aforesaid facts and there is no specific allegation against these appellants in the F.I.R., let the appellant nos. 1 and 3, 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 Additional District & Sessions Judge 1st cum- Special Judge (S.C./S.T.), Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 24 of 2024 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.

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

(Rajesh Kumar Verma, J)

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