

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1829 of 2024**

Arising Out of PS. Case No.-139 Year-2024 Thana- GOPALGANJ TOWN District-
Gopalganj

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Aman @Aman Kumar Gupta SON OF SUJIT KUMAR RESIDENT OF
VILLAGE- BRAHM CHAUK, MAIN ROAD, WARD NO. 16, PS-
GOPALGANJ, DIST- GOPALGANJ

... .. Appellant/s

Versus

1. The State of Bihar
2. DHARMATMA KUMAR RAM SON OF SHIV PUJAN RAM RESIDENT
OF VILLAGE- PURANI CHOWK, WARD NO. 20, PS- GOPALGANJ,
DIST- GOPALGANJ

... .. Respondent/s

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Appearance :
For the Appellant/s : Mr. Prince Kumar Mishra, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 15-07-2025 Heard Mr. Prince Kumar Mishra, learned counsel for

the appellant and Mrs. Usha Kumari 1, 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
14.03.2024 passed by the learned XI, Additional Sessions
Judge-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in
connection with Gopalganj Nagar P.S. Case No. 139 of 2024 ,
F.I.R. dated 21.02.2024 registered under Sections 341, 323, 324,



307 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that on 20.02.2024 at 07:00 P.M., while he was parking his motorcycle at home, his co-villagers came on a motorcycle and hit his bike from behind. When the informant asked them to wait, the appellant allegedly abused him using casteist slurs and filthy language. On protesting, co-accused persons allegedly attacked him with a knife on the head, right palm and on neck with the intent to kill him. Nearby villagers intervened, saved him and took him to Sadar Hospital, Gopalganj for treatment.

5. Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. As per allegation in the F.I.R., allegation against the appellant that he has abused the informant by his caste name. Learned counsel for the appellants submits that from a bare perusal of the F.I.R., it appears that alleged occurrence has taken place in the house of the informant and in view of the aforesaid, no case is made out under S.C./S.T. Act because the occurrence took place not in public view and as per allegation of assault is concerned, the same is against the other co-accused persons.



6. Learned Special Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the appellant.

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, appellant has clean antecedent and there is no specific allegation against the appellant in the F.I.R., let the appellants, 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 surities of the like amount each to the satisfaction of learned XI, Additional Sessions Judge-cum-Exclusive Special Judge, S.C./S.T. Act, Gopalganj in connection with Gopalganj Nagar P.S. Case No. 139 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. 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 absence on two consecutive dates without sufficient reason, his 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)

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