

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1651 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- GORAUL District- Vaishali

Mishri Ray S/o Late Jaghru Ray R/o Fatahpur Chak Suleman, P.S.- Goraul
(Kathara OP), Distt- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumitra Devi W/o Ram Das R/o Fatahpur Chak Suleman, P.S.- Goraul
(Kathara OP), Distt- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 01-07-2025 Heard Mr. Shashi Bhushan Singh, learned counsel

for the appellant as well as Mr. Binay Krishna, learned Special

Public Prosecutor for the State.

2. Despite of valid service of notice upon

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

Respondent No. 2.

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

Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, against refusal of the prayer for anticipatory bail

by order dated 20.04.2022 in A.B.P. No. 1126 of 2022 passed by

the learned Special Judge, SC/ST, Vaishali at Hajipur in

connection with Goraul (Kathara OP) P.S. Case No. 53 of 2022



registered under Sections 341, 323, 324, 307, 379, 504, 34 of the Indian Penal Code and Sections 3(i) (r)(s) of SC/ST Act.

4. Allegation against the petitioner is of assault and use of abusive language of caste name.

5. Learned counsel for the appellant submits that the appellant has clean antecedent and he has been falsely implicated in the present case. He further submits that although the appellant is named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of any assault, overt act or abusing attributed against the appellant rather there is general and omnibus allegation against all the accused persons including the appellant. In fact, the informant has taken loan from the family members of the appellant and due to some dispute, the present false F.I.R. has been instituted by the informant against the appellant and another co-accused persons.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory 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 Casts and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and the fact that the



appellant having clean antecedent and there is no specific allegation of any assault or overt act or abusing against the appellant rather there is general and omnibus allegation against the appellant, 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 SC/ST, Vaishali at Hajipur in connection with Goraul (Karhara OP) P.S. Case No. 53 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-

(1) 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.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 dated 20.04.2022 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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