

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1645 of 2022**

Arising Out of PS. Case No.-68 Year-2022 Thana- BARHARA KOTHI District- Purnia

Jay Krishna Mahto Son of Janak Mahto R/o Village- Patraha, Beldari Tola,
P.S.- Barhara, District- Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Ram Son of Maheshwar Ram R/o Village- Patraha, Beldari Tola,
P.S.- Barhara, District- Purnia

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 24-06-2025 Heard Mr. Sanjeev Kumar, learned counsel for the

appellant as well as Mr. Binay Krishna, learned Spl.P.P. for the

State.

2. Despite validly served notice, no one appears on
behalf of the Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
27.04.2022 passed by the learned Court of 1st Additional District
& Sessions Judge cum Special Judge, SC/ST Act, Purnia in ABP
No. 29 of 2022 arising out of Barhara P.S. Case No. 68 of 2022,
F.I.R. dated 27.02.2022 registered under Sections 341, 323, 324,
379, 353, 354B, 504 and 506 of the Indian Penal Code and



Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, all the accused persons including this appellant have assaulted the informant and his wife and also abused them by taking their caste name. It is further alleged that they have threatened to kill them.

5. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. He further submits that the F.I.R is in two parts. According to part one, there is specific allegation of assault and abuse against the co-accused, Chandan Kumar and according to part two, there is general and omnibus allegation against all the accused persons including this appellant. He further submits that it appears from the F.I.R itself that the occurrence in the second part of the F.I.R took place in the house of the informant, so no case is made out under the SC/ST Act against the appellant.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that the appellant carries one criminal antecedent other



than the present one and the appellant has fully participated in the present crime in question.

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 and circumstances that there is no specific allegation of assault or abuse against the appellant and the occurrence in the second part of the F.I.R took place in the house of the informant, so no case is made out under the SC/ST Act against the appellant, let the appellant, above named, in the event of his arrest to 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 Court of 1st Additional District & Sessions Judge cum Special Judge, SC/ST Act, Purnia in ABP No. 29 of 2022 arising out of Barhara P.S. Case No. 68 of 2022, 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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