

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1859 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- SC/ST District- Patna

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1. Vishal Kumar @ Ankit Raj son of Umesh Rai @ Umesh Ram @ Umesh Kumar Resident of village - Jalpura, P.S.- Naubatpur (Piplawan), Dist.- Patna
 2. Rahul Kumar Son of Vijendra Rai @ Vijendra Ram Resident of village - Jalpura, P.S.- Naubatpur (Piplawan), Dist.- Patna
 3. Pankaj Kumar @ Gulu @ Pankaj Kumar Verma son of Dularchand Verma Resident of village - Jalpura, P.S.- Naubatpur (Piplawan), Dist.- Patna
 4. Sarvjit Kumar @ Sethji Son of Late Yogendra Singh Resident of village - Jalpura, P.S.- Naubatpur (Piplawan), Dist.- Patna

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Birbal Kumar Son of Lalan Paswan Resident of Village- Jaitipur, P.S.- Naubatpur (Piplawan), Dist.- Patna

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-07-2025 Heard Mr. Pramod Kumar, 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 16.03.2024 passed by the learned Exclusive Special Judge S.C./S.T., Patna in connection with A.B.P. No. 682 of 2024 (arising out of S.C./S.T. P.S. Case No. 02 of 2024), F.I.R. dated



04.01.2024 registered under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code and Sections 3(1)(r)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that on 03.01.2024 at around 06:20 P.M., while he was on his way, appellants verbally abused him using caste-based slurs and then assaulted him with lathi, danda and iron rod. As a result, he sustained injuries. Further, he was taken to Referral Hospital, Naubatpur and later referred to AIIMS, Patna. After treatment and regaining consciousness, he discovered that his gold chain was missing.

5. Learned counsel for the appellants submits that the appellant nos. 2 to 4 have clean antecedent and appellant no. 1 carries one case other than the present 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 all the accused persons including these appellants 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 and there is no specific allegation of any assault or overt act attributed against the appellants rather there is general and omnibus allegation against all the accused persons including these appellants, 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., Patna in connection with A.B.P. No. 682 of 2024 (arising out of S.C./S.T. P.S. Case No. 02 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.

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

(Rajesh Kumar Verma, J)

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