

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1929 of 2024**

Arising Out of PS. Case No.-73 Year-2024 Thana- DARIYAPUR District- Saran

VISHAL KUMAR S/O BIRENDRA PRASAD RAI R/O VILLAGE-  
MASTICHAK, WARD NO. 19, P.S- DARIYAPUR, DISTT.- SARAN AT  
CHAPRA, BIHAR.

... .. Appellant/s

Versus

1. The State of Bihar
2. RAMESH RAM S/O HARENDRA RAM R/O VILLAGE- HARPUR, P.O  
AND P.S- DARIYAPUR, DISTT.- SARAN AT CHAPRA, BIHAR.

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Akhileshwar Pandey, Advocate  
For the Respondent/s : Mr. Binay Krishna, Spl.PP

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

4      08-07-2025                      Heard Mr. Akhileshwar Pandey, learned counsel for  
  
the appellant as well as 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  
18.03.2024 passed by the learned Court of Exclusive Special  
Judge SC/ST Act, Saran at Chapra in A.B.P. No. 784 of 2024  
arising out of Dariyapur P.S. Case No. 73 of 2024, F.I.R. dated  
12.02.2024 registered under Sections 341, 323, 506, 504/ 34 of  
the Indian Penal Code and Sections 3 (i) (x)(r) (s) of the



Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that on 14.09.2023 when he returned from Gujarat and asked the appellant about the money which was given to him for the business purpose, then the appellant along with other accused persons abused him by his caste name and tied his neck with *Gamcha* due to which he became unconscious. It is further alleged that on 26.09.2023 when the informant was not at his home then the appellant along with other co-accused person came at his home and threatened to kill the informant.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. Infact the appellant has received the amount in tune of Rs.40,000/-(Rupees Forty Thousand) from the informant on 31.07.2023 and he has supplied the articles as mentioned in Annexure P-2. It appears that the FIR is in two parts. In the first part there is allegation against the appellant that he received the amount from the informant and in the second part the allegation against the appellant that he abused the informant and apart from that the occurrence took place in the house of the informant which is not a public place, so no case is made out under SC/ST Act.



6. Learned Special Public Prosecutor for the State 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 and circumstances, appellant has clean antecedent and appellant has supplied the articles to the informant in lieu of the amount in question on 31.07.2023 and the occurrence took place in the house of the informant so no case is made out under SC/ST Act, 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 surities of the like amount each to the satisfaction of learned Court of Exclusive Special Judge SC/ST Act, Saran at Chapra in connection with Dariyapur P.S. Case No. 73 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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