

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1632 of 2025

Arising Out of PS. Case No.-313 Year-2024 Thana- BUXAR INDUSTRIAL District- Buxar

1. Sudama Gond S/o Late Ganesh Gond R/o Vill.- Ahrauli, P.S.- Buxar (I),
Dist.- Buxar
2. Golu Kumar Gond S/o Sudama Gond R/o Vill.- Ahrauli, P.S.- Buxar (I),
Dist.- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Phul Kumari Devi W/o Budhu Gond R/o Vill.- Ahrauli, P.S.- Buxar (I),
Dist.- Buxar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2025 Heard Mr. Surendra Kumar, learned counsel for

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

the State.

2. Appellants and the Respondent No. 2 belongs to the
same community, so there is no requirement of issuing notice
upon 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
03.03.2025 passed in ABP No. 208 of 2025 by the learned 1st
Additional Sessions Judge cum Special Judge SC/ST (POA)
Act, Buxar in connection with Buxar (I) P.S. Case No. 313 of



2024, F.I.R. dated 31.12.2024 registered under Sections 191(2), 190, 329(3), 109 and 118(1) of the Bhartiya Nyaya Sanhita, 2023 and Sections 3(1) (r) (s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (POA) Act.

4. According to the prosecution case, these appellants along with other accused persons armed with deadly weapon came at the house of the informant's brother-in-law and started assaulting and abusing the family members of the informant.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have 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 appellants have not committed any offences as alleged in the F.I.R. Apart from that both the appellants and the Respondent No. 2 belongs to the same community, so no case is made out under the SC/ST Act against these appellants. He further submits that although the appellants are named in the F.I.R but from perusal of the same it transpired that there is no specific allegation of assault attributed against these appellants rather the specific allegation of assault is against the co-accused, Brij Kishore Upadhyay.

6. Learned Special Public Prosecutor for the State 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 circumstances that the appellants have clean antecedent, there is no specific allegation of assault against them and the appellants and the Respondent No. 2 belongs to the same community, so no case is made out under the SC/ST Act, let the appellants, above named, in the event of their 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 Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Buxar in connection with Buxar (I) P.S. Case No. 313 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 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 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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