

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2261 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- BACHHWARA District- Begusarai

1. Tuntun Rai s/o of Rajendar Rai @ Rajendra Rai @ Rajendra Ray @ Datto Rai Residents of Village- Chiraya Tok, P.S. Bachhwara, District- Begusarai
2. Rajendar Rai @ Rajendra Rai @ Rajendra Ray @ Datto Rai s/o of Late Janak Rai Residents of Village- Chiraya Tok, P.S. Bachhwara, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Dharam Paswan Son of Hitlal Paswan Resident of Village Chiraya Tok, Ward No. 12, P.S.- Bachhwara, District- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sandip Kumar Gautam, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 01-07-2025 Heard Mr. Sandip Kumar Gautam, learned counsel

for the appellants as well as Mrs. Usha Kumari 1, learned

Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 05.04.2023 passed by the learned Court of Special Judge, SC/ST (POA) Act, Begusarai in ABP No. 553 of 2023 in connection with Bachhwara P.S. Case No. 01 of 2023, F.I.R. dated 01.01.2023 registered under Sections 1341, 323, 337, 307, 354, 504, 506/34 of the Indian Penal Code and Sections 3 (i) (r) (s), 3 (2) (v) (a) of the Scheduled Castes and Scheduled Tribes (POA)



Act and Section 27 of the Arms Act.

3. According to the prosecution case, both these appellants along with one other accused person armed with weapons abused and brutally assaulted the informant and his family members.

4. 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. He further submits that the appellants are named in the F.I.R and there is specific allegation against the appellant no. 1 that he has assaulted to one Sabita Devi and appellant no. 2 assaulted Amerika Devi and Sushil Kumar due to which they have received injury but the injury report of the injured persons (Annexure-2) suggests that the injuries are simple in nature caused by hard and blunt substance. He further submits that it appears from the F.I.R that the occurrence is alleged to be taken place in the house of the informant, so no case is made out under the SC/ST Act.

5. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.



6. 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.

7. Considering the aforesaid facts and circumstances that the appellants have clean antecedent and the injuries received by the injured persons are simple in nature, 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 Special Judge, SC/ST (POA) Act, Begusarai in connection with Bachhwara P.S. Case No. 01 of 2023, 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.

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

(Rajesh Kumar Verma, J)

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