

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2202 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- DARAUNDA District- Siwan

Dhan Kumar Singh Son of Chandradev Singh Resident of Village- Sawan
bigrah, Ram Gadhi, P.S- Daraunda, Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangita Devi Wife of Ramesh Ram Resident of Village- sawan Bigrah Tole,
Ram Gadhi, P.S- Daraunda, Dist- Siwan

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-07-2025 Let the defect no. 6(1) as pointed out by the office be
ignored.

2. Heard Mr. Pramod Kumar, learned counsel for the
appellant as well as Mr. Binay Krishna, learned Spl.P.P. for the
State.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
18.04.2024 passed by the learned Court of 1st Additional
Sessions Judge-cum-Special Judge, SC/ST Act, Siwan in A.B.P
No. 776 of 2024 arising out of Daraunda P.S. Case No. 28 of
2024, F.I.R. dated 11.02.2024 registered under Sections 341,
323, 435, 504/ 34 of the Indian Penal Code and Sections 3(1)



(r) (s) /3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that the on 10.02.2024, the appellants had burnt her *pethari*. Upon objection, the appellant along with other accused persons assaulted her and abused her by caste name.

5. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. From bare perusal of the FIR it appears that due to some petty dispute the present occurrence has taken place and there is no specific allegation against the appellant.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that appellant is named in the FIR and apart from that appellant carries one criminal antecedent other than the present one.

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, it appears from the FIR that 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Siwan in connection with Daraunda P.S. Case No. 28 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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