

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1843 of 2025

Arising Out of PS. Case No.-153 Year-2024 Thana- GURARU District- Gaya

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Rajesh Kumar @ Rajesh Yadav S/O Late Kameshwar Yadav R/O Vill.-
Mathurapur, P.s.- Guraru, Dist.- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Sanjay Kumar S/O Paswan R/O Vill.- Mahimpur, P.s.- Guraru, Dist.- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Yogesh Kumar
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.PP
		Mr. Vinod Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 03-09-2025 **1.** Heard learned counsel for the appellant, learned Spl. PP, Shri Sadanand Paswan and the learned counsel appearing on behalf of the informant.
- 2.** The delay of 21 days in filing of the appeal is hereby condoned, as such the I.A. No. 1 of 2025 stands allowed.
- 3.** This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 4-1-2025 in A.B.P. No. 385 of 2024 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in connection with Guraru P.S. Case No. 153 of 2024 registered for the offences punishable under Sections 115(2), 318(4), 352 and 351(2) of the Bharatiya Nyaya



Sanhita as well as Sections 3(1)(r) and 3(1)(s) of the SC/ST Act.

4. Learned counsel appearing on behalf of the appellant submits that inadvertently at para-3 it has been pleaded that appellant is a person with clean antecedent, when he has antecedent of one case. It is next submitted that the informant alleges that he had given a sum of Rs. 1.5 lakh to the appellant by way of security money, further on demand of the appellant, the informant supplied construction materials worth Rs. 99,233/-. It is next alleged that when the informant demanded repayment of his amount, the appellant abused him by taking caste name.

5. Learned counsel for the appellant submits that appellant has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is also submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the occurrence did not take place in public view.

6. Learned Spl. PP and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the appellant. Learned counsel for the informant submits that though it has been submitted that appellant has antecedent of one case but then the appellant might be having more cases.

7. Considering the aforesaid facts, let the appellant



above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on **Provisional Anticipatory Bail** on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the appellant and in the event if it is found that appellant has antecedent of more than one case then it would be presumed that appellant, for the purposes of seeking anticipatory bail, had concealed his antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that appellant has antecedent of one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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