

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2274 of 2024

Arising Out of PS. Case No.-196 Year-2023 Thana- KURTHA District- Jehanabad

Bablu Sharma @ Prem Prakash Son of Suresh Sharma Resident of Village-
Babhana, P.S. -Kurtha (Manikpur O.P.), District- Arwal

... .. Appellant/s

Versus

1. The State of Bihar
2. Kaushal Kishore Son of Sri Sahjanand Sharma Resident of Village-
Vishanpura, P.S- Kurtha (Manikpur O.P), Dist- Arwal

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Gajendra Kumar Singh, Advocate
For the State : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-07-2025 Heard Mr. Gajendra Kumar Singh, learned counsel
for the appellant as well as Mr. Binay Krishna, learned Special
Public Prosecutor for the State.

2. Despite of valid service of notice upon Respondent
No. 2/Informant, no one appears on behalf of Respondent No. 2.

3. Learned counsel for the appellant submits that the
present appeal is unique in nature and the informant does not
belong to SC/ST community but the present F.I.R. was instituted
under the provisions of SC/ST Act against the appellant.

4. This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for anticipatory bail



by order dated 05.04.2024 in A.B.P. No. 144 of 2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Jehanabad in connection with Kurtha (Manikpur O.P.) P.S. Case No. 196 of 2023 registered under Sections 387, 385, 379, 308, 353, 504, 506, 34 of the Indian Penal Code and Sections 3(i) (r)(s), 3(2)(va) of SC/ST (Prevention of Atrocities) Act.

5. Allegation against the appellant is that he has demanded ransom of Rs. 2,00,000/- for construction of road and due to non-fulfillment of the same he started abusing by taking his case name.

6. Learned counsel for the appellant submits that the appellant has clean antecedent and he has been falsely implicated in the present case. From perusal of the F.I.R. it appears that there is no specific allegation against the appellant and in fact the dispute arisen between the appellant and the informant on account of distribution of construction work and apart from that learned counsel for the appellant has filed a supplementary affidavit bringing on record the fact that the informant does not belong to SC/ST community and from perusal of the F.I.R. it appears that the informant has alleged that his labour was assaulted by the accused persons including



the appellant who belongs to SC/ST Community and the labour has not filed any case which suggests that the instant case has been instituted only to harass the appellant and there is no specific allegation of any assault or overt act against the appellant and F.I.R. was instituted on 15.06.2023 and the certified copy issued by the Sarpanch of the area on 16.06.2023 which suggests that the staff of the informant belonged to the SC/ST community.

7. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the appellant and submits that the appellant is named in the F.I.R. and apart from he has demanded ransom from the informant.

8. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

9. Considering the aforesaid facts that the appellant having clean antecedent and there is no specific allegation of any assault or overt act attributed against the appellant and the informant does not belong to SC/ST community so no case is made out under Section 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 sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Jehanabad in connection with Kurtha (Manikpur O.P.) P.S. Case No. 196 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-

(1) 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.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

10. Accordingly, the impugned order dated 05.04.2024 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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