

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2275 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- BAKHTIYARPUR District- Patna

MRITUNJAY KUMAR S/O LATE CHANDRASHEKHAR SINGH Resident
of Village- Rawaich Dih, P.S.- Bakhtiyarpur, District- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Shankar Mochi Kumari Mochi R/Village-Rawaich Dih, Ward No.-1, P.S.-
Bakhtiyarpur, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Kumar Singh, Sr. Advocate
For the State : Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-07-2025 Heard Mr. Rajesh Kumar Singh, learned Senior
counsel for the appellant as well as Mrs. Usha Kumari-1, 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. 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 28.01.2022 passed by the learned Special Judge, SC/ST
cum Addl. Sessions Judge-III, Patna in connection with SC/ST
Bakhtiyarpur P.S. Case No. 68 of 2022 registered under Sections
341, 323, 447, 504, 506, 427, 435, 436/34 of the Indian Penal
Code and Sections 3(i) (r)(s)/3(2)(iv) of SC/ST (Prevention of



Atrocities) Act.

4. Allegation against the appellant is that he along with other co-accused persons have burn down the house of the informant as a result of which the cow of the informant died.

5. Learned Senior counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. As per allegation in the F.I.R. the appellant and other accused persons have threatened the informant on 02.01.2022 and the present occurrence had taken place on 04.01.2022 but the present F.I.R. was instituted on 12.02.2022 after about more than one month. As per allegation in the F.I.R. the appellant and other co-accused persons have burn down the house of the informant. Learned Senior counsel for the appellant has produced a letter of the Circle Officer, Bakhtiyarpur dated 14.03.2022 which suggests that during inquiry it was found that the fire was in the cowshed of the informant not in the house of the informant which suggests that the allegation as alleged in the F.I.R. is false and fabricated and apart from that it appears from the F.I.R. that the occurrence had taken place at the house of the informant and hence no case is made out under SC/ST Act because the occurrence had not taken place in the public view.



Learned Senior counsel for the appellant further submits that similarly situated co-accused person has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 19.12.2022 passed in Cr. Appeal (SJ) No. 3453 of 2022.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the appellant and submits that there is direct and specific allegation against the appellant and apart from that the appellant carries one more case of similar nature 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 Casts and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances of the case, 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 Special Judge SC/ST-cum-Additional Sessions Judge-III, Patna in connection with SC/ST Bakhtiyarpur P.S. Case No. 68 of 2022, 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.

9. Accordingly, the impugned order dated 28.01.2022 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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