

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2566 of 2024

Arising Out of PS. Case No.-269 Year-2024 Thana- GAYA MUFASIL District- Gaya

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1. Ramchandra Prasad @ Ramchandra Beldar @ Ramnchandra Jamadar Son of Late Bachhu Mistry @ Raghu Beldar R/O Vill.- Baradih, P.S.- Mufassil, Dist.- Gaya
 2. Rajesh Kumar @ Lalu Beldar Son of Ramchandra Beldar R/O Vill.- Baradih, P.S.- Mufassil, Dist.- Gaya
 3. Raju Beldar Son of Ramchandra Beldar R/O Vill.- Baradih, P.S.- Mufassil, Dist.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Nitu Devi W/O Santosh Paswan R/O Vill.- Baradih, P.O.- Baragandhar, P.S.- Mufassil, Dist.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Dr.Kamal Deo Sharma, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-08-2025 Heard Dr. Kamal Deo Sharma, learned counsel for the appellants, Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. Despite of valid service of notice upon Respondent No. 2, no one appeared on behalf of the Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 03.05.2024 passed by the learned Court of Exclusive Special Judge, SC/ST Act, Gaya in ABP No. 135 of 2024 in connection with Muffasil P.S. Case No. 269 of 2024, F.I.R. dated



27.03.2024 registered under Sections 341, 323, 354, 504/34 of the Indian Penal Code and Sections 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, all accused persons are said to have assaulted and molested the informant. When her family members came to save her, they also assaulted and molested her mother.

5. Learned counsel for the appellants submits that appellant nos. 2 and 3 have clean antecedent and appellant no. 1 has one more case other than the present one but he is on bail in the pending matter. He further submits that although, appellants are named in the FIR, but from a bare perusal of the FIR, it appears that there is no specific allegation of any assault or overt act or abusing by caste name against these appellants rather there is general and omnibus allegation against all the accused persons including these appellants. It is further submitted that the date of occurrence as alleged in the FIR is 26.03.2024 but the present FIR has been instituted on 27.03.2024 i.e. after delay of one day.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R and with the



common intention, they have assaulted and molested the informant and her mother.

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 facts and circumstances, there is no specific allegation of any assault or overt act or abuse attributed against these appellants and the FIR has been instituted after delay of one day, 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) each with two surities of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with A.B.P. No. 135 of 2024 arising out of Muffasil P.S. Case No. 269 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. 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.

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

(Rajesh Kumar Verma, J)

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