

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2389 of 2022

Arising Out of PS. Case No.-121 Year-2022 Thana- PARSABAZAR District- Patna

Satyendra Kumar S/o Munarik Rai @ Mundrika Yadav R/o village and P.O.-
Nisarpur, P.S.- Parsa Bazar, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rishu Kumar@ Rishu Paswan S/o Santosh Paswan Resident of village-
shekhpura,P.S-Pipra,District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajit Kumar Ojha, Advocate Mr. Abhimanyu Kumar, Advocate Mr. Mritunjay Kumar, Advocate Ms. Urvashi Bharti, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

10 15-04-2025 Heard Mr. Ajit Kumar Ojha, learned counsel for

the appellant as well as Mr. Binay Krishna, learned Spl.P.P. for

the State.

2. Despite validly served notice upon Respondent No.
2, no one appears on behalf of Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
20.05.2022 passed by the learned Court of 1st Additional
Sessions Judge-1-cum-Special Judge, Patna in ABP No. 2654 of
2022 in connection with Parsa Bazar P.S. Case No. 121 of 2022,
F.I.R. dated 12.03.2022 registered under Sections 341, 323, 504/



506 of the Indian Penal Code and Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, this appellant in a drunken state abused and assaulted the informant who was driving his tractor and also threatened to kill him if he lodged F.I.R against him.

5. Learned counsel for the appellant submits that appellant is innocent and he has falsely been 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 offences as alleged in the F.I.R. Apart from that the date of occurrence as alleged in the F.I.R is 09.03.2022 but the present F.I.R has been instituted on 12.03.2022 i.e., after delay of three days without giving any explanation of the said delay, only to falsely implicate the appellant.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

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. Hence, let the appellant, above named, in the event of his 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) with two surities of the like amount each to the satisfaction of learned Court of Special (Exclusive) Judge SC/ST Act, Patna in connection with Parsa Bazar P.S. Case No. 121 of 2022, 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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