

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2628 of 2024**

Arising Out of PS. Case No.-1 Year-2024 Thana- SC/ST District- Banka

1. Sugreev Kumar S/o Mahesh Mandal R/o Village-Kaitha(Bhagwanpur) P.S.-  
Rajoun, District-Banka
2. Bikram Kumar S/o Niranjan Mandal R/o Village-Kaitha(Bhagwanpur) P.S.-  
Rajoun, District-Banka

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Dhananjay Pandey, Advocate  
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      22-07-2025                      Heard Mr. Dhananjay Pandey, learned counsel for  
  
the appellants as well as Ms. Usha Kumari 1, learned Spl.P.P. for  
  
the State.

2. Despite valid service of 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  
22.04.2024 passed by the learned ADJ I cum Special Judge,  
SC/ST Act, Banka, in connection with Banka P.S. Case No.01  
of 2024, F.I.R. dated 08.02.2024 registered under Sections 341,  
323, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)  
(s) (w) 3(2) (va) of the Scheduled Castes and Scheduled Tribes



Act were added.

4. According to the prosecution case, on 31.01.2024, the informant Nandlal Paswan reported to the SHO, Banka Police Station, that his younger son was abused with caste-based slurs and physically assaulted by the named accused while on his way to make a purchase. When the informant questioned the accused about the incident, they also abused and assaulted him.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. From a bare perusal of F.I.R., it appears that due to some petty dispute, the present occurrence had taken place. Although, the appellants are named in the F.I.R. but from a bare perusal of the F.I.R., it appears that the date of occurrence, as alleged in the F.I.R. is 31.01.2024 but the present F.I.R. has been instituted on 08.02.2024, after delay of about 8 days, only to falsely implicate the appellants in the present case. Although, the appellants are named in the F.I.R., but there is no specific allegation of any assault or overt act attributed against the appellants rather there is general and omnibus allegation against all the accused persons, including the appellants. There is specific allegation of assault against the accused persons namely Pappu Mandal and Mahesh Mandal.



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

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 aforesaid facts and circumstances, the appellants having clean antecedent, there is no specific allegation of any assault, overt act or abusing by caste name against the appellants, let the appellants, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned A.D.J. I cum Special Judge, SC/ST Act, Banka, in connection with Banka P.S. Case No.01 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 his absence on two consecutive dates without sufficient reason, his 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)**

sharun/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

