

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2626 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- SC/ST District- Nalanda

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1. Vijay Yadav @ Vijay Kumar S/o Late Sidheshwar Prasad R/o Village-Alipur Bigha, P.s.-Parwalpur, district-Nalanda
 2. Dablu Kumar @ Vikash Kumar S/o Mr. Vijay Yadav @ Vijay Kumar R/o Village-Alipur Bigha, P.s.-Parwalpur, district-Nalanda

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Chinta Devi W/o Kapindra Ravidas R/o Village- Bela, P.S.-Islampur, District-Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-07-2025 Heard Mr. Ritwik Thakur, learned counsel for the appellants as well as Mr. Mr. Sadanand Paswan, 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 17.04.2024 passed by the learned Special Judge, SC/ST Act, Nalanda at Biharshariff, in connection with SC/ST Case No.15 of 2024, F.I.R. dated 05.04.2024 registered under Sections 341, 323, 379, 354(B) of the Indian Penal Code and Sections 3(1) (x) and later on Sections (r) (s) (w) 3(2) (va) of the Scheduled Castes and Scheduled Tribes Act were added.



4. According to the prosecution case, Chinta Devi filed a complaint (Case No. 06C of 2024) stating that on 13.12.2023, she and her family worked on Vijay Yadav's paddy field. When she asked for her wages, the accused abused her using caste slurs and assaulted her physically, causing injuries and tearing her clothes. They also snatched her gold earrings worth around ₹60,000. Out of fear, her family did not intervene. Despite approaching the police and higher officials multiple times, no action was taken, leading her to file the present complaint in court.

5. Learned counsel for the appellants submits that appellants have clean antecedents and they have falsely been implicated in the present case and the appellants have not committed any offence, as alleged in the F.I.R. From a bare perusal of F.I.R., it appears that due to some wage dispute, the present occurrence had taken place and all the accused persons are named in the F.I.R. but it appears that initially, the informant/complainant had filed the complaint petition, which was later instituted in the present F.I.R. and the date of occurrence, as alleged in the F.I.R. is 13.12.2023 but the present F.I.R. was instituted on 05.04.2024, after delay of more than three months, only to falsely implicate the appellants in the



present case.

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, F.I.R. has taken place after a delay of more than three months and the occurrence took place at the house of the appellants, which is not a public place and hence, no case is made out under the SC/ST Act 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 learned Additional Sessions Judge-VI-cum-Special Judge, SC/ST Act, Nalanda at Biharshariff, in connection with SC/ST Case No.15 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)

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