

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2749 of 2024

Arising Out of PS. Case No.-33 Year-2020 Thana- ROSHANGANJ District- Gaya

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1. NEERAJ KUMAR SON OF MITHLESH YADAV VILLAGE- NAWADIH, P.S.- BANKEY BAZAR, DISTT.- GAYA
 2. MITHLESH YADAV SON OF LATE CHANDAR YADAV VILLAGE- NAWADIH, P.S.- BANKEY BAZAR, DISTT.- GAYA
 3. SANJAY YADAV SON OF LATE KAMAL YADAV VILLAGE- NAWADIH, P.S.- BANKEY BAZAR, DISTT.- GAYA
 4. DHARMENDRA KUMAR SON OF RAJENDRA YADAV VILLAGE- PACHMAH, P.S.- BANKEY BAZAR, DISTT.- GAYA

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. RAVIRANJAN KUMAR SON OF LATE NAGESHWAR PASWAN VILLAGE- DONGILA, P.S.- BANKEY BAZAR, DISTT.- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-07-2025 Heard Mr. Sudhir Kumar Sinha, learned counsel for

the appellants as well as 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
05.04.2024 passed by the learned Court Exclusive Special,
Judge SC/ST, Gaya, in connection with Raushanganj P.S. Case
No.33 of 2020, F.I.R. dated 12.02.2020 registered under



Sections 341, 323, 504, 506 of the Indian Penal Code and Sections 3 (i) (r) (s), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, on 11-03-2020 at about 9:30 PM, the informant went outside after dinner and asked the accused to stop playing songs due to the presence of women. The accused abused him using his caste name and questioned his objection. The informant was saved by Ravi Kumar, preventing any further incident.

5. Learned counsel for the appellants submits that appellant Nos. 1, 3 and 4 have clean antecedent while appellant No.2 has one criminal antecedent other than the present one but he is on bail. He further submits that the allegation, as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offence, as alleged in the F.I.R. Although, the appellants are named in the F.I.R., but it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against the appellants rather there is general and omnibus allegations against all the accused persons, including the appellants.

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, 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 Court Exclusive Special Judge, SC/ST, Gaya in connection with Raushanganj P.S. Case No.33 of 2020, 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 tamper 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 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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