

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2813 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- BELAGANJ District- Gaya

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1. Rajendra @ Rajendra Yadav S/o Dev Charan R/o Village- Karhol, Lodipur, P.s.-Belaganj, District-Gaya
 2. Putulwa Devi @ Putulava Devi S/o Washistha Kumar @ Bashistha Kumar @ Bashisth Yadav @ Ravindra Raushan R/o Village- Karhol, Lodipur, P.s.-Belaganj, District-Gaya
 3. Washistha Kumar @ Bashistha Kumar @ Bashisth Yadav @ Ravindra Raushan S/o Rajendra Yadav R/o Village- Karhol, Lodipur, P.s.-Belaganj, District-Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalita Devi W/o Sitaram Paswan R/o Village- Karhol, Lodipur, P.s.-Belaganj, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Aryan Singh, Advocate
For the Resp.No.2	:	Mr. Dhaneshwar Prasad Gupta, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-07-2025 Heard Mr. Aryan Singh, learned counsel for the appellants, Mr. Dhaneshwar Prasad Gupta, learned counsel for the Respondent No.2 as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 20.04.2024 passed by the learned Court of Exclusive Special Judge, SC/ST Act, Gaya in A.B.P. No. 123 of 2024 arising out of Beleganj P.S. Case No. 09 of 2024, F.I.R. dated 08.01.2024



registered under Sections 341, 323, 379, 504/ 34 of the Indian Penal Code and Sections 3(1) (r) (s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that when she went to cut the grass in her field, in the meantime, the appellants arrived and started abusing and pointed pistol at her and took golden chain and earring. On protest, they assaulted her husband.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. Although the appellants are named in the FIR but from bare perusal of the FIR it appears that there is no specific allegation of assault or overt act or abusing in caste name against the appellants rather the allegation levelled against them are general and omnibus and there is case and counter case between the parties and apart from that the date of occurrence as alleged in the FIR is 24.12.2023 but the present FIR is instituted on 08.01.2024 i.e. after delay of 15 days without giving any reason of delay.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent No.2 have vehemently opposed the prayer for bail of the appellants.



6. 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.

7. Considering the aforesaid facts and circumstances, appellants have clean antecedent and there is case and counter case between the parties and there is no specific allegation 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) with two surities of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST Act, Gaya in connection with Beleganj P.S. Case No. 09 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.

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

(Rajesh Kumar Verma, J)

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