

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 2583 of 2025**

Arising Out of PS. Case No.-74 Year-2025 Thana- AMARPUR District- Banka

Barjesh Kumar @ Brajesh Kumar S/O Baleshwar Yadav @ Baleshwar Manjhi
R/O Village and P.O- Bharko, P.S- Amarpur, Dist.- Banka.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dayakant Paswwan S/O Ram Bhadur Paswan Posted as A.S.I Amarpur, P.S.,
Distt.- Banka.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.PP

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

2 11-07-2025 Heard Mr. Sanjeev Kumar, learned counsel for the
appellant and Mr. Binay Kumar, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 29.05.2025 in A.B.P. No.645 of 2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (P.O.A) Act, Banka in connection with Amarpur P.S.Case No. 74 of 2025 registered under Sections 191(2), 190, 126(2), 115(2), 131(B), 223, 132, 352, 351(2) of the B.N.S., 2023 as well as under Sections 3(1)(R)(S), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.



3. Allegation against the appellant is that he abused the informant, who is a police officer, and also assaulted the police personnel.

4. Learned counsel for the appellant submits that the appellant has clean antecedent. Although the appellant is named in the F.I.R., but from a bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the appellant rather there is general and omnibus allegation against the appellant and twenty other accused persons and no offence is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellant. Further submits that the appellant has no intention to abuse the informant in any manner.

5. The learned Spl.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the appellant and submits that appellant is named in the F.I.R. Apart from that, the appellant has participated in the present crime in question along with other accused persons.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

7. Hence, let the appellant, above named, in the event



of his 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 sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, SC/ST (POA) Act, Banka in connection Amarapur P.S. Case No.74 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S., 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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

(Rajesh Kumar Verma, J)

anand/-

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