

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3506 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- NAUHATTA District- Rohtas

Kallu Dubey @ Mirtunjay Dubey S/O Banga Dubey R/O Village- Nauhatta,
P.S- Nauhatta, Distt.- Rohtas.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Suman Kumari W/O Sujit Kumar R/O Village- Dumaria, P.O And P.S-
Nauhatta, Distt.- Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Kant, Advocate
For the State : Mrs. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-08-2025 Heard Mr. Shashi Kant, learned counsel for the

appellant and Mrs. Usha Kumar 1, learned Special Public

Prosecutor for the State.

2. Despite vaild 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
25.06.2024 passed by the learned A.D.J.-17-cum-Special Judge,
SC/ST Act, Sasaram in connection with Nauhatta P.S. Case No.
73 of 2024, F.I.R. dated 03.05.2024 registered under Sections
341, 323, 354, 504, 506/34 of the Indian Penal Code and
Sections 3 (i)(r), 3(i)(s) of the Scheduled Castes and Scheduled



Tribes Act.

4. According to the prosecution case, the appellant along with other co-accused person is said to have abused and assaulted the informant. It is further alleged that they tried to catch her with bad intention.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that although the appellant is named in the FIR, but there is no specific allegation of any assault or overt act or abusing by taking caste name attributed against the appellant rather there is general and omnibus allegation against all the accused persons including this appellant.

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

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 facts and circumstances of the case that the appellant has clean antecedent and there is no specific allegation of any assault or overt act or abusing attributed against the appellant, let the appellant, above named, in the



event of his arrest to 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 A.D.J.-17-cum Special Judge, SC/ST Act, Sasaram in connection with Nauhatta P.S. Case No. 73 of 2024, District -Rohtas, 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. 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 absence on two consecutive dates without sufficient reason, his 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 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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