

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3172 of 2022

Arising Out of PS. Case No.-274 Year-2022 Thana- AMAS District- Gaya

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1. Manoj Kumar @ Manoj Kumar Gupta @ Manoj Gupta Son Of Late Govind Prasad Gupta
 2. Rupesh Gupta Son Of Manoj Gupta
 3. Usha Devi Wife Of Manoj Gupta
All R/O Village- Amas, P.S.- Amas, District- Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Lalita Devi Wife Of Amit PaswanT R/O Village- Amas, P.S.- Amas, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Nand Kishore Prasad Sinha, Advocate
For the State	:	Mr.Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Anil Kumar Sinha, Advocate
	:	Mr. Shudhir Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-04-2025 Heard Mr.Nand Kishore Prasad Sinha, learned

counsel for the appellants, Mr. Anil Kumar Sinha, learned

counsel for the informant and Mr.Binay Krishna, 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 20.08.2022 in A.B.P. No.190 of 2022 passed by

the learned Exclusive Special Judge SC/ST, Gaya in connection

with Amas P.S.Case No. 274 of 2022, dated 23.07.2022



registered under Sections 341,323,448,504 of the Indian Penal Code as well as under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. The case of the prosecution as alleged by the informant namely, Lalita Devi Wife of Amit Paswan alleged that on 21.07.2022 at about 9.00 AM working at her home suddenly entered into the house and abused them and assaulted by taking caste indicative words. Accused had pushed them on the ground and assaulted with lathi, danda and bricks.

4. Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR that the date of occurrence as alleged in the FIR is 21.07.2022 but the present FIR has been instituted on 23.07.2022 after delay of three days without giving any explanation of delay and apart from that, it appears that there is no specific allegation of any assault or overt-act attributed against the appellants and the present occurrence had taken place in the house of the informant/respondent No.2 so no case is made out under the SC/ST Act against the appellants because they have not abused the informant in the public place and the land dispute is going on between the parties. There is case and counter case.



5. The learned counsel for the respondent No.2 as well as learned Spl.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the appellants and submits that the appellants are named in the FIR and they have assaulted the informant and her family members.

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 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 Exclusive Special Judge SC/ST, Gaya in connection Amas P.S.Case No. 274 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 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 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 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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