

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.920 of 2021**

Arising Out of PS. Case No.-43 Year-2020 Thana- SC/ST District- Vaishali

-
1. Mahesh Prasad Singh @ Mahesh Singh Son of Ram Bilash Singh Resident of Village - Tangaul, P.S. - Hajipur Nagar, District - Vaishali.
 2. Umesh Prasad Singh @ Umesh Singh Son of Ram Bilash Singh Resident of Village - Tangaul, P.S. - Hajipur Nagar, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi Ajit Sharma R/o Vill- Tangaul, P.S.- Hajipur Nagar, Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manohar Prasad Singh, Advocate
For the Respondent/s : Mr. Spl.P.P.

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

5 15-04-2025 Heard Mr. Manohar Prasad Singh, learned counsel
for the appellants as well as learned Spl.P.P. for the State.

2. Despite validly served notice upon the Respondent
No. 2, no one appears on behalf of the Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
02.12.2020 passed by the learned Court of 1st Additional District
& Sessions Judge-cum-Special Judge, Vaishali at Hajipur in
ABP No. 2830 of 2020 in connection with SC/ST P.S. Case No.
43 of 2020, F.I.R. dated 01.09.2020 registered under Sections
341, 323, 448, 379, 504, 506 and 34 of the Indian Penal Code



and Sections 3(1)(r)(w)(i) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, all the accused persons including these appellants have abused and assaulted the informant and her family members over a petty dispute. It is further alleged that co-accused Nirmala Devi snatched the informant's ear ring and gold chain and also threatened them.

5. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R that over a petty dispute the present occurrence has taken place and there is case and counter case between the parties. He further submits that it appears from the F.I.R that the date of occurrence is 19.08.2020 but the present F.I.R has been instituted on 01.09.2020 i.e., after delay of 12 days without giving any explanation of the said delay. Apart from that one Title Suit No. 520 of 2020 is pending between the parties. It appears from the F.I.R itself that the accused persons have abused them but they are not in the public place so no case is made out under the SC/ST Act. He further refers to the judgement reported in **(2020) 10 SCC 710 (Hitesh Verma v. State of Uttarakhand)**.



6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that the appellants carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the instant appeal that the appellants are on bail in the pending matter.

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. Hence, let the appellants, above named, in the event of their 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 Court of 1st Additional District & Sessions Judge-cum-Special Judge, Vaishali at Hajipur in connection with SC/ST P.S. Case No. 43 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 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.

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

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

