

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3649 of 2023

Arising Out of PS. Case No.-156 Year-2023 Thana- NAVINAGAR District- Aurangabad

1. Rahul Singh @ Rahul Kumar S/O Pramod Singh R/O Village- Basantpur, Ps. Nabinagar, Dist. Aurangabad, Bihar
2. Harendra Singh S/O Late Bilash Singh R/O Village- Basantpur, Ps. Nabinagar, Dist. Aurangabad, Bihar
3. Pramila Devi W/O Pramod Singh R/O Village- Basantpur, Ps. Nabinagar, Dist. Aurangabad, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Kalesh Paswan S/O Late Krishna Paswan R/O Village- Basantpur, Ps. Barem O.P., Dist. Aurangabad, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Advocate
For the State : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 29-07-2025 Heard Mr. Ashok Kumar, learned counsel for the appellants, Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. Despite of valid 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 17.07.2023 passed by the learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad (Bihar) in ABP No. 1210 of 2023 in connection with Nabinagar (Badem O.P.) P.S. Case No. 156 of 2023, F.I.R. dated 20.04.2023 registered under Sections 341, 323, 325, 307, 504/34 of the Indian Penal



Code and Sections 3(i)(r)(s), 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (POA) Act.

4. According to the prosecution case, the appellants along with other co-accused persons are said to have abused the informant using his caste name and assaulted the informant and his family members.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. He further submits that from a bare perusal of the FIR, it appears that due to some petty dispute, the present occurrence has taken place and there is case and counter case between the parties. It is further submitted that the alleged occurrence has taken place at the house of the appellant which is not a public place, hence, no case is made out under the SC/ST Act against the appellant. Although, there is allegation against the appellants that they have assaulted the informant and other persons but it is submitted that in the present occurrence, both sides have received injuries and injuries inflicted by the informant and informant side are found to be simple in nature.

6. Learned Special Public Prosecutor for the State has



vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R.

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 aforesaid facts and circumstances, clean antecedent of the petitioners, the occurrence has taken place at the house of the appellant which is not a public place, so, no case is made out under the SC/ST Act against the appellants and apart from that injuries are found to be simple in nature, 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) each with two surities of the like amount each to the satisfaction of learned Special Judge (SC/ST)-cum-1st Additional District and Sessions Judge, Aurangabad (Bihar) in ABP No. 1210 of 2023 in connection with Nabinagar (Badem O.P.) P.S. Case No. 156 of 2023, 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)

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