

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3627 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Amit Rajbhar Son Of Munna Rajbhar Resident Of Village - Dharahara, P.S. - Chainpur, District - Kaimur At Bhabua
2. Shyamdev Rajbhar Son Of Gopal Rajbhar Resident Of Village - Dharahara, P.S. - Chainpur, District - Kaimur At Bhabua
3. Munna Rajbhar Son Of Gopal Rajbhar Resident Of Village - Dharahara, P.S. - Chainpur, District - Kaimur At Bhabua

... .. Appellant/s

Versus

1. The State Of Bihar
2. Chinta Devi Wife Of Rambharos Ram Resident Of Village - Dharahara, P.S. - Chainpur, District - Kaimur At Bhabua

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tribhuwan Narayan, Advocate
For the State : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-08-2025 Heard Mr. Tribhuwan Narayan, learned counsel for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. Despite of valid service of notice, 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 21.06.2024 passed by the learned Additional Sessions Judge-1st, Kaimur at Bhabua in ABP No. 704 of 2024 in connection with Chainpur P.S. Case No. 113 of 2024, F.I.R. dated 29.03.2024



registered under Sections 341, 323, 354(B), 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, all the FIR named accused persons including the appellants are said to have abused the informant and her husband by taking caste name and also pulled off informant's sari. It is further alleged that they have also snatched golden chain and Rs. 50,000/- cash.

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 it appears from the FIR itself that there is no specific allegation of any assault or overt act or abusing attributed against these appellants rather there is general and omnibus allegation against all the accused persons including these appellants that they have abused the informant and his husband by taking their caste name and so far as snatching of ornament and Rs.50,000/- cash is concerned, it is submitted that this part of the FIR, is ornamental and no such occurrence has taken place.



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

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, the appellants have clean antecedent, there is no specific allegation of any assault or overt act or abusing attributed against these appellants rather there is general and omnibus allegation against them, 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 Additional Sessions Judge-1st, Kaimur at Bhabua in ABP No. 704 of 2024 in connection with Chainpur P.S. Case No. 113 of 2024, 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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