

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3658 of 2024

Arising Out of PS. Case No.-69 Year-2023 Thana- JANTA BAZAR District- Saran

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1. Subham Singh @ Subhash Singh @ Subhash Kumar Singh son of Devdutt Singh Village- Sahajitpur Ps- Sahajitpur Dist- Saran
 2. Manju Devi @ Manju Singh wife of Subhash Singh Village- Sahajitpur Ps- Sahajitpur Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumar Ram Sugam Ram Resident of Village- Dayalpur, Police Station- Janta Bazar, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raghav Prasad, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-07-2025 Heard Mr. Raghav Prasad, learned counsel for the appellants as well as Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. Despite of valid service of notice upon Respondent No. 2/Informant, no one appears on behalf of Respondent No. 2.

3. 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 04.07.2024 in A.B.P. No. 2255 of 2024, passed by the learned Special Court, SC/ST, Chapra in connection with



Janta Bazar P.S. Case No. 69 of 2023 F.I.R. dated 15.05.2023 registered under Sections 341, 342, 323, 324, 504, 506/34 of the Indian Penal Code and Sections 3(i) (r)(s)/3(2) (va) of SC/ST Act.

4. Allegation against the appellants is that they have assaulted the informant due to which he sustained injuries and they also abused him by taking his caste name.

5. Learned counsel for the appellants submits that the appellants have clean antecedents and they have been falsely implicated in the present case. The present case is counter blast of Janta Bazar P.S. Case No. 68 of 2023 filed by the appellants' side against the informant and his family members. From perusal of the F.I.R., it appears that the F.I.R. is in two parts. In first part, there is general and omnibus allegation against all the accused persons including the appellants and in the second part, there is specific allegation of assault is against appellant no. 1 that he assaulted to the informant by means of *Dab* and although the informant has received injury but the injury report of the informant suggests that the injury is simple in nature caused by hard and blunt substance and there is no specific allegation of abusing his caste name by these appellants rather there is general and omnibus allegation against the appellants.



6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory 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 Casts and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is case and counter case between the parties and the injury inflicted upon the injured person is simple in nature, 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 Special Judge, SC/ST, Chapra, Saran in connection with Janta Bazar P.S. Case No. 69 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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 dated 04.07.2024 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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