

Arising Out of PS. Case No.-37 Year-2023 Thana- MAHILA P.S. District- Kaimur (Bhabua)

... .. Appellant/s

Versus

- Respondent/s

For the Appellant/s : Mr. Tribhuwan Narayan, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-04-2025 Heard Mr.Tribhuwan Narayan, learned counsel for the
appellant, learned counsel for the informant and Mr.Sadanand
Paswan, 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 26.07.2023 in A.B.P. No.1115 of 2023 passed by the learned Additional Sessions Judge-1, Kaimur at Bhabhua in connection with Bhabhua Mahila P.S.Case No. 37 of 2023 registered under Sections 354,506 of the Indian Penal Code as well as under Sections 3(i)(w) of the Scheduled Castes and Scheduled Tribes Act.



3. According to prosecution case, informant is married with one Deepu Chaudhary, and two months ago from her marriage, her co-villager, namely, Manish Kumar tried to do obscene act with her and later on he started calling and blackmailing her.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. From a bare perusal of the FIR it appears that no offence is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellant. It transpires from the FIR that the appellant has not used any abused language against the informant and apart from that, as per allegation in the FIR, the appellant has threatened to the informant through phone.

5. The learned counsel for respondent No.2 as well as learned Spl.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the appellant.

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. Considering the aforesaid facts, the appellant has clean antecedent, there is no allegation in the FIR against the appellant with regard to abuse filthy language against the informant and apart from that, the appellant has threatened to the informant through phone, let the appellant, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Kaimur at Bhabhua in connection with Bhabhua Mahila P.S.Case No. 37 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 and with other following conditions:-

(I) Appellant 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the appellant 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 appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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)

Nitesh/-

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

