

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3790 of 2023

Arising Out of PS. Case No.-851 Year-2022 Thana- BARACHATTI District- Gaya

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Anjay Kumar @ Ajay Kumar Son Of Satyendra Kumar Resident Of Village -
Baradih, P.S. - Barachatti, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Mukesh Paswan Son Of Ramdeo Paswan Resident Of Village - Balthar, P.S.
- Barachatti, District - Gaya

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2025 Despite of valid service of notice upon respondent
No.2, no one appears on behalf of respondent No.2.

2. Heard Mr.Sanjay Kumar, learned counsel for the
appellant and Mr.Binay Krishna, learned Spl.P.P. for the State.

3. This is an appeal under Section 14 (A)(ii) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST
Act”) against the refusal of prayer for regular bail vide order
dated 12.07.2023 passed by the learned Exclusive Special Judge
SC/ST, Gaya, in connection with Barachatti P.S. Case No.851 of
2022, F.I.R. dated 20.09.2022 registered under Sections 341,
323, 504, 506, 379/34 of the Indian Penal Code and Section 3(i)



(r) (s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to FIR, the appellant along with other co-accused persons are said to have assaulted the informant and his other associates with axe causing head injury and called the informant using his caste name.

5. 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. It appears from the FIR itself that there is no specific allegation of any assault or overt-act attributed against the appellant and apart from that, the filthy language used by the appellant which was not in public domain so no case is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellant. Further submits that there is case and counter case.

6. The learned Spl.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellant.

7. 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.

8. Hence, 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 Exclusive Special Judge, SC/ST, Gaya in connection with Barachatti P.S. Case No.851 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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.

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

(Rajesh Kumar Verma, J)

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