

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3504 of 2022

Arising Out of PS. Case No.-418 Year-2022 Thana- BIHTA District- Patna

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1. Santosh Kumar Singh @ Alok Kumar S/O Munna Singh R/O Bihta Chauraha, P.S.- Bihta, District- Patna
 2. Munna Singh @ Sipahi Ji S/O Late Ram Anuj Sharma R/O Bihta Chauraha, P.S.- Bihta, District- Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Baijnath Prasad S/O Late Badu Ram R/O Village- Kisunpur, P.S.- Bihta, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Patanjali Rishi, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 06-05-2025 Heard Mr. Patanjali Rishi, learned counsel for the appellants as well as learned counsel for the respondent no. 2 and Mr. Binay Krishna, learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 01.08.2022 passed by the learned Special Judge, SC/ST, Patna in ABP No. 5262 of 2022 in connection with Bihta P.S. Case No. 418 of 2022, F.I.R. dated 01.05.2022 registered under Sections 341, 342, 323 and 504 of the Indian Penal Code and Sections 3 (1) (s) and 3 (2) (ra) of the Scheduled Castes and



Scheduled Tribes Act.

3. According to the prosecution case, all these appellants over a petty dispute, assaulted the respondent no. 2 and also abused him by taking his caste name.

4. Learned counsel for the appellants submits that appellant no. 1 is having clean antecedent and appellant no. 2 is having one criminal antecedent and he is on bail in the pending matter. 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 although the appellants are named in the F.I.R. and from perusal of the F.I.R., it appears that the place of occurrence is the house of the appellants which is not a public place, so no case is made out against the appellants in the SC/ST Act apart from that there is no specific allegation of assault or outrage against these appellants.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R. and they have not returned the amount in question to the respondent.



6. 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.

7. Considering the aforesaid facts, in view of the averments in the F.I.R., no case is made out against the SC/ST Act against the appellants and there is no specific allegation of assault or over act against the appellants, 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) with two surities of the like amount each to the satisfaction of learned Special Judge, SC/ST, Patna in connection with Bihta P.S. Case No. 418 of 2022, 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.

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

(Rajesh Kumar Verma, J)

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