

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4111 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- SC/ST District- Siwan

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1. Bittu Kumar @ Bittu Kumar Singh Son of Subhash Singh Village- Kairatal, Ps- Siwan Muffasil, Dist- Siwan
 2. Pappu Kumar Son of Sarvjeet Singh Village- Kairatal, Ps- Siwan Muffasil, Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Rita Kumari Daughter of Raghunath Sah Village- Kairatal, Gram Panchayat Raj Pithauri, Ps- Muffasil, Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Adesh Raj, Advocate
For the State	:	Mr. Sadanand Paswan, S.P.P.
For the respondent no.2	:	Mr. Udit Narayan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-06-2025 Heard Mr. Adesh Raj, learned counsel for the appellants, Mr. Udit Narayan Singh, learned counsel for the respondent no. 2 and Mr. Sadanand Paswan, 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 16.08.2023 passed by the learned Court of 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Act, Siwan in ABP No. 1782 of 2023 in connection with SC/ST P.S. Case No. 23 of 2023, F.I.R. dated 23.06.2023 registered under Sections 341, 323, 325, 307, 354, 379, 504 and 506/34 of the Indian Penal



Code and Sections 3 (i) (r) (s)(w)/3(2) (va) of the Scheduled Castes and Scheduled Tribes Act.

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

4. 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 from the perusal of the F.I.R., it transpires that no case is made out under the SC/ST Act against the appellants and as far as injury of the injured person is concerned that he has sustained the injury on his leg which is not a vital party of the body.

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 fairly submit that the word which is mentioned in the F.I.R. does not attract the SC/ST Act.

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. Hence, 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Act, Siwan in connection with SC/ST P.S. Case No. 23 of 2023, 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)

Jyoti Kumari/-

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