

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4100 of 2024

Arising Out of PS. Case No.-227 Year-2024 Thana- MANER District- Patna

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Dilip Kumar Son of Lal Babu Rai Village- Tata colony, Ps- Maner, Dist- Patna

... .. Appellant/s

Versus

- 1. The State of Bihar
- 2. Shyam Babu Rajak Son of Late Bangali Rajak village- Jamunia Tola, near Murgiform, Ps- Maner, Dist- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravi Kumar, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-07-2025 Heard Mr. Ravi Kumar, learned counsel for the appellant as well as Mrs. Usha Kumari-1, learned Special Public Prosecutor for the State.

2. Learned counsel for the State fairly submits that the informant is a Government Official and hence no notice need be issued under SC/ST Act.

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 30.05.2024 in A.B.P. No. 1993 of 2024 passed by the learned Exclusive Special Judge, SC/ST, Civil Court (Sadar), Patna in connection with Maner P.S. Case No. 227 of



2024 registered under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Sections 3(i) (r)(s) of SC/ST Act.

4. Allegation against the appellant is that he along with other co-accused persons came to the house of the informant and started abusing by taking his caste name and also assaulted the informant's son with rod as a result of which he sustained head injury.

5. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that the occurrence is alleged to have taken place at the house of the informant which is not a public place and as per allegation in the F.I.R. the appellant and other co-accused persons have assaulted to the informant and their family members but there is no specific allegation against the appellant and apart from that the abusing word taken by all accused persons at the house of the informant and hence no case is made out under SC/ST Act.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the



appellant and submits that the appellant is named in the F.I.R. and apart from that he along with other co-accused persons have abused the informant. He further submits that the carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the appellant is on bail in the pending matter.

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 the fact that the occurrence had taken place at the house of the informant and there is no specific allegation of any assault or overt act attributed against the appellant, 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 Civil Court (Sadar), Patna in connection with Maner P.S. Case No. 227 of 2024, 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) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the appellant tampers 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 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 dated 30.05.2024 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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