

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4178 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- JALALPUR District- Saran

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1. BUDDHA SINGH @ MADHURENDRA SINGH @ MADHUNDOR SINGH SON OF BAIKUNTH SINGH RESIDENT OF VILLAGE - SANWARI BAKSHIJI, P.S. - JALALPUR, DISTRICT - SARAN AT CHAPRA
 2. DHARMENDRA SINGH SON OF BAIKUNTH SINGH RESIDENT OF VILLAGE - SANWARI BAKSHIJI, P.S. - JALALPUR, DISTRICT - SARAN AT CHAPRA
 3. SONU SINGH @ SONU KUMAR @ AMIT SINGH SON OF RAJAN SINGH RESIDENT OF VILLAGE - SANWARI BAKSHIJI, P.S. - JALALPUR, DISTRICT - SARAN AT CHAPRA
 4. BAIKUNTH SINGH @ BAIKUNTH PRASAD SINGH SON OF LATE CHANDRIKA SINGH RESIDENT OF VILLAGE - SANWARI BAKSHIJI, P.S. - JALALPUR, DISTRICT - SARAN AT CHAPRA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. PRABHAWATI DEVI WIFE OF LATE DHURENDRA MANJHI RESIDENT OF VILLAGE - SANWARI BAKSHIJI, P.S. - JALALPUR, DISTRICT - SARAN AT CHAPRA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 15-07-2025 Learned counsel for the appellants submit that appellant no. 4, namely, Baikunth Singh @ Baikunth Prasad Singh has been arrested during the pendency of the present application, as stated in the supplementary affidavit. As such he seeks permission to withdraw the application with respect to appellant no. 4, Baikunth Singh @ Baikunth Prasad Singh.

2. Permission is accorded.



3. Accordingly the application of appellant no. 4, Baikunth Singh @ Baikunth Prasad Singh stands dismissed as withdrawn.

4. Heard Mr. Dewendra Narayan Singh, learned counsel for the appellants and Mr. Sadanand Paswan, learned Spl.P.P. for the State.

5. Mr. Sadanand Paswan, learned Spl.P.P. for the State has informed this Court that he has informed the respondent No.2 about the present case through the Superintendent of Police, Chapra on 23.06.2025 despite that, no one appears on behalf of the Respondent No. 2.

6. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 11.07.2023 passed by the learned SC/ST/MP/MLA Judge-cum-Additional Sessions Judge 3rd, Saran at Chapra in connection with A.B.P. No. 2330 of 2023 (Jalalpur P.S. Case No. 126 of 2023), F.I.R. dated 07.06.2023 registered under Sections 341, 323, 325, 354, 379, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w) and 3(ii)(va) of the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act.

7. According to the prosecution case, the informant alleges that on 05.06.2023, at 3:00 P.M., she along with her



grand-son proceeded to temple to attend a ritual, subsequently, appellants arrived and assaulted her grand-son, alleging that he had unlawfully plucked mangoes from their '*orchard*'. The informant attempted to intervene in order to pacify the situation, the accused persons allegedly caught hold the informant and assaulted her. As a result, the informant immediately taken to Primary Health Centre, Jalalpur and further referred to Sadar Hospital, Chapra.

8. Learned counsel for the appellants submit that appellants have falsely been implicated in the present case and from a bare perusal of F.I.R., it appears that the date of occurrence as alleged in the F.I.R. is 05.06.2023 but the present F.I.R. is instituted on 07.06.2023 i.e. after delay of two days without giving any explanation of the said delay. Apart from that a bare of perusal of F.I.R., it appears that although appellants are named in the F.I.R. but there is no specific allegation of any assault or overt act attributed against the appellants rather there is general and omnibus allegation against all the accused persons including these appellants and no offence is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellants. Further submits that the appellants have no intention to abuse the respondent no. 2 in any



manner.

9. Learned Special Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the appellants and submits that the appellant nos. 1 and 2 have one case other than the present one and appellant no. 3 has clean antecedent.

10. 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.

11. Considering the aforesaid facts and there is no specific allegation of any assault or overt act attributed against the appellants rather there is general and omnibus allegation, let the appellant nos. 1 to 3, in the event of their 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 surities of the like amount each to the satisfaction of learned SC/ST/MP/MLA Judge-cum-Additional Sessions Judge 3rd, Saran at Chapra in connection with A.B.P. No. 2330 of 2023 (Jalalpur P.S. Case No. 126 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 tamper 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.

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

(Rajesh Kumar Verma, J)

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