

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.106 of 2022

Arising Out of PS. Case No.-212 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

Ravindra Singh Son of Prabhu Singh Resident of Village - Lal Bazar, P.S.-
Chapra, Mufassil, Distt.- Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Geeta Devi Vinod Chaudhari Resident of Lal Bazar, P.S.- Mufassil, Dist-
Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Harish Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-04-2025 Heard Mr. Harish Kumar, learned counsel for the

appellant, Mr. Binay Krishna and learned Special Public

Prosecutor for the State.

2. Despite of valid service of notice upon respondent
no. 2, no one appears on behalf of the respondent no. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
22.12.2020 passed by the learned 1st Additional Sessions Judge-
cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in ABP
No. 3160 of 2020 in connection with Chapra Mufassil P.S. Case
No. 212 of 2020, F.I.R. dated 23.05.2020 registered under
Sections 143, 323, 307, 379 and 504 of the Indian Penal Code



and Section 3(i)(r)(s)(w) SC/ST (POA) Act.

4. According to the prosecution case, the informant her son namely Arjun Chaudhary was selling Chhola Samosa on Thela besides the house of Prabhu Singh then the FIR named accused persons came and started abusing and assaulting her son by means of bricks and danda, on Hulla Arjun Chaudhary, Kailashiya Kuwar, Kanhaiya Kumar came to interface into the matter then accused Tarkeshwar Singh gave Dab blow to Arjun Chaudhary due to which he sustained injury on his head, accused Rabindra Singh gave Khanti blow to Kanhaiya Chaudhary due to which he sustained injury on his head, accused Mantu Singh gave Dab blow to Kailashiya Kuwar due to which she sustained head injury and accused Tarkeshwar Singh took away gold chain from the neck of Arjun Singh and accused Rabindra Singh took out gold mangal sutra and ear ring from the neck of the informant.

5. Learned counsel for the appellant submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R. Although, there is specific allegation against this petitioner that he assaulted Arujun Choudhary, who is happen to be the son of the informant by means of *Daab*, and Arjun



Choudhary received injury but from the perusal of the injury report of the Arjun Choudhary, it appears that the injury is simple in nature and regarding abusing the informant and her son by caste name, it appears that there is general and omnibus allegation against all the accused persons including the appellant. No case is made out under SC/ST Act.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that there is specific allegation of assault is attributed against the appellant. Apart from that the appellant abused the informant and her son by their caste name.

7. 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.

8. Hence, considering the aforesaid facts that the appellant is having clean antecedent and the injury inflicted upon the injured person is simple in nature, and the appellant did not abused the informant and her son by caste name, let the appellants, above named, in the event of his 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



sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Chapra Mufassil P.S. Case No. 212 of 2020, 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. 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.

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 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.

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

(Rajesh Kumar Verma, J.)

Jyoti Kumari/-

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