

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4380 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- SC/ST District- Vaishali

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1. SANJAY KUMAR @ SANJAY SINGH SON OF RAVIKANT SINGH
RESIDENT OF VILLAGE - WARISPUR MALA, P.S. - BHAGWANPUR,
DISTRICT - VAISHALI
 2. MANISH KUMAR @ KARE SINGH SON OF RAMCHANDRA PRASAD
SINGH RESIDENT OF VILLAGE - WARISPUR MALA, P.S. -
BHAGWANPUR, DISTRICT - VAISHALI

... .. Appellant/s

Versus

1. The State of Bihar
2. LEELA DEVI WIFE OF AMOD RAJAK RESIDENT OF VILLAGE -
ASHATPUR SATPURA, P.S. - BHAGWANPUR, DISTRICT - VAISHALI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hemant Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-07-2025 Heard Mr. Hemant Kumar, learned counsel for the
appellants and Mr. Binay Krishna, learned Spl.P.P. for the State.

2. Despite valid service of notice upon Respondent
No.2, no one appears on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
08.09.2023 passed by the learned Special Judge-SC/ST, Vaishali
at Hajipur in connection with SC/ST P.S. Case No. 20 of 2023,
F.I.R. dated 16.05.2023 registered under Sections 147, 341, 323,
354(B), 324, 447, 380, 504 and 506 of the Indian Penal Code
and Section 3(1)(r), 3(1)(s)(w) and 3(2)(va) of the Scheduled
Castes and Scheduled Tribes Act.



4. According to the prosecution case, the informant went to nature's call and at that time, co-accused, Ramchandra Singh allegedly pulled and assaulted her. When she raised alarm, informant's son came to her and he was also assaulted. The appellants and co-accused persons verbally abused them with caste based derogatory remarks. It is further alleged that accused persons entered the informant's house and stole jewellery worth approximately Rs. 2 lakhs.

5. Learned counsel for the appellants submits that the appellants have clean antecedent and they have falsely been implicated in the present case. The present case is counterblast of Goraul P.S. Case No. 194 of 2023 filed by the family members of the appellants and from a bare perusal of the F.I.R., it appears that the date of occurrence as alleged in the F.I.R. is 12.05.2023 after the filing of Goraul P.S. Case No. 194 of 2023 against the informant and family members. Learned counsel for the appellants further submits that although the appellants are named in the F.I.R., but from a bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the appellants rather there is general and omnibus allegation against the appellants including other co-accused persons that they have assaulted the son of the



informant and apart from that they have also abused the informant by her caste name.

6. 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 appellants are named in the F.I.R., apart from that they have also participated in present crime in question.

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. Considering the aforesaid facts, appellants have clean antecedent and there is no specific allegation against them in the F.I.R., let the appellants, above named, 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 Special Judge SC/ST, Vaishali at Hajipur in connection with SC/ST P.S. Case No. 20 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.

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

(Rajesh Kumar Verma, J)

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