

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4501 of 2023

Arising Out of PS. Case No.-27 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. AMARJEET SAHANI @ AMARJEET KUMAR son of Late Dwarika Sahani Village- Udamt Raike Magruha Manguruha Ps- manjhagarh Dist- Gopalganj
 2. Gayatri Devi @ Shanti Devi @ Gayanti Devi wife of Late Dwarika Sahani Village- Udamt Raike Magruha Manguruha Ps- manjhagarh Dist- Gopalganj
 3. Ajay Sahani @ Ajay Kumar son of Late Dwarika Sahani Village- Udamt Raike Magruha Manguruha Ps- manjhagarh Dist- Gopalganj
 4. Satyadeo Sahani @ Satdev Sahani son of Late Daroga Sahani Village- Udamt Raike Magruha Manguruha Ps- manjhagarh Dist- Gopalganj
 5. Acchaylal Sahani @ Achhaylal Sahani @ Achhelal Sahani son of Late Bakulal Sahani @ Late Babunand Sahani Village- Udamt Raike Magruha Manguruha Ps- manjhagarh Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudama Manjhi son of Late Dahari Manjhi Village- Magruha Ps- manjhagarh Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-04-2025 Heard Mr. Lokesh Kumar Singh, learned counsel

for the appellants as well as Mr. Binay Krishna, learned Special

Public Prosecutor 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



08.08.2023 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with A.B.P. No. 2115 of 2023 arising out of Complaint Case No. 27 of 2022, dated 02.04.2022 registered under Sections 323, 379, 504, 147, 148 of the Indian Penal Code and Sections 3(1)(x) of the Scheduled Castes and Scheduled Tribes (PoA) Act.

4. According to the prosecution case, on 02.06.2016, complaint saw appellants were cutting bamboo from his fields. When the complainant asked the accused persons, then the accused persons assaulted him with first and slaps and abused him by taking his caste name.

5. 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 although the appellants are named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these appellants rather there is general and omnibus allegation against the appellants.



6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that the appellants have assaulted the complainant.

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, there is no specific allegation against the appellants and appellants have clean antecedent, 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 sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with A.B.P. No. 2115 of 2023 arising out of Complaint Case No. 27 of 2022, 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 bonds 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 antecedents of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedents, the Court below shall take step for cancellation of bail bonds 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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