

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4438 of 2023

Arising Out of PS. Case No.-229 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Banshidhar Prasad @ Banshidhar Singh Son Of Late Sheo Awtar Prasad @ Sheo Awatar Singh
 2. Bhawesh Kumar @ Bhavesh Singh S/O Banshidhar Prasad @ Banshidhar Singh
 3. Vijay Kumar Prasad @ Bijay Singh S/O Late Sheo Awatar Prasad @ Sheo Awatar Singh
 4. Akhilesh Kumar @ Akhilesh Singh S/O Late Hareram Singh
 5. Bandhu Kumar @ Bandhu Singh S/O Late Hareram Singh
 6. Sanjay Kumar Prasad @ Sanjay Singh S/O Late Sheo Awatar Singh @ Sheo Awatar Prasad
- All R/O Village- Kotwa, P.S And Distt.- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Geeta Devi W/O Umesh Ram R/O Village- Kotwa Ward No.-5, P.S And Distt.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjeet Kumar Pandey, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-04-2025 Ms.Usha Kumari 1, learned Spl.P.P. for the State informs this Court that she has informed the respondent No.2 through the S.H.O., Nagar Thana, Gopalganj on 21.04.2025 but despite of valid service of notice upon respondent No.2, no one appears on behalf of respondent No.2.

2. Heard Mr.Ranjeet Kumar Pandey, learned counsel for the appellants and Mr.Usha Kumari 1, learned Spl.P.P. for



the State.

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 16.08.2023 in A.B.P. No.991 of 2023 passed by the learned Additional Sessions Judge-XI-cum-Exclusive Special Judge, SC/ST Act, Gopalganj in connection with Gopalganj Town P.S.Case No. 229 of 2023 registered under Sections 147,341,323,324,354,379,427,504 of the Indian Penal Code as well as under Sections 3(i)(r)(s)(w)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. The prosecution case, in short, is that the informant Geeta Devi alleged that she alongwith her Deyadin Rubi Devi were sitting at her door, then the accused persons named in the FIR including the appellants having lathi, danda and Fattha came and began assaulting them by hurling abuse by taking their caste name. It is alleged that Aditya Singh by holding her hair began dragging her and slammed her due to which she became unscreened and Shailesh Singh inflicted knife upon Rubi Devi and during course of saving she sustained injury on her.

5. Learned counsel for the appellant submits that the



appellants have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the appellants have not committed any offence as alleged in the FIR. From a bare perusal of the FIR it transpires that although the appellants are named in the FIR but there is no specific allegation of any assault or overt-act attributed against the appellants and there is specific allegation of assault attributed against co-accused person, namely, Aditya Singh and apart from that, the informant has received the injury but the injury report of the informant suggests that the injury is simple in nature.

6. The learned Spl.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellants.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts, appellants have clean antecedent, there is no specific allegation of any assault or overt-act attributed against the appellants and apart from that, the injury inflicted upon the injured person is simple in nature, 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) each 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 Gopalganj Town P.S.Case No. 229 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 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)

Nitesh/-

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