

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4475 of 2023

Arising Out of PS. Case No.-32 Year-2022 Thana- SURYAPURA District- Rohtas

ABHAY PANDEY Son of Rangnath Pandey R/o vill - Agarer Khurd, P.s. -
Suryapura, Dist. - Rohtas

... .. Appellant/s

Versus

1. The State of Bihar
2. INDU DEVI Wife of Late Rajdeo Paswan R/o vill - Agarer Khurd, P.S. -
Suryapura, Distt. - Rohtas

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajani Kant Singh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2025 Mr.Binay Krishna, learned Spl.P.P. for the State

informs this Court that he has informed the respondent No.2
through the Superintendent of Police, Rohtas but despite of that,
no one appears on behalf of respondent No.2.

2. Heard Mr.Rajani Kant Singh, learned counsel for
the appellant and Mr.Binay Krishna, 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 28.08.2023 in Registered No.61 of 2023 passed
by the learned A.D.J.-XVII-cum-Exclusive Special Judge,



SC/ST, Rohtas at Sasaram in connection with Suryapura P.S.Case No. 32 of 2022 registered under Sections 147, 148, 149, 341, 323, 447, 307, 302, 504 of the Indian Penal Code, Section 27 of Arms Act as well as under Sections 3(i)(r)(s)/3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

4. Allegation against the appellant is that he alongwith co-accused have been accused of murdering informant's husband by shooting him and using caste related abuses.

5. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. it appears from the FIR itself that due to previous dispute, the present occurrence had taken place. Although the appellant is named in the FIR but from a bare perusal of the FIR it transpires that there is specific allegation of firing attributed against co-accused persons, namely, Brij Bhushan Pandey and Chandra Bhushan Pandey and there is no specific allegation any assault, overt-act or firing attributed against the appellant.

6. The learned Spl.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellant and submits that the appellant is named in the FIR and apart from that, the appellant carries two more cases other than the present



one but fairly submits that the appellant is on bail in both the cases, as mentioned in para-3 of this appeal.

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 and there is no specific allegation any assault, overt-act or firing attributed against the appellant, let the appellant, above named, in the event of his 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 sureties of the like amount each to the satisfaction of learned A.D.J.-XVII-cum-Exclusive Special Judge, SC/ST, Rohtas at Sasaram in connection with Suryapura P.S.Case No. 32 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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/her absence on two consecutive dates without sufficient reason, his/her 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 appellant. 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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