

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4453 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- TEGHRHA District- Begusarai

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1. Rinku Devi W/O Raghu Sahni
 2. Virmal Sahni S/O Mannu Sahni
 3. Raniya Devi W/O Mannu Sahni
 4. Rinku Devi W/O Tufan Sahni
 5. Tufan Sahni S/O - Mannu Sahni
- All are R/O Village - Pakhtaul, Ward No. 7, P. S. - Teghra, District-Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Chandra Ram S/o Late Dhanik Ram R/o Village - Pakhtaul, Ward No. 7, P. S. - Teghra, District-Begusarai.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 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, Begusarai but despite of that, no one appears on behalf of respondent No.2.

2. Heard Mr.Thakur Brajesh Singh, learned counsel for the appellants 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 19.07.2023 in A.B.A. No.1462 of 2023 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Teghra P.S.Case No. 166 of 2023 registered under Sections 341,323,448,308,504,506/34 of the Indian Penal Code as well as under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution, story in brief is that on 27.05.2023 at about 10 O' Clock in the night, all the accused persons including the appellants and 4-5 unknown persons came at the house of informant, namely, Ram Chandra Ram and started abusing with caste narrated words and beaten him when on hulla, his family members came there then all accused persons have also brutally beaten to the informant's brother Yogendra, Ram, nephew Suraj Kumar, wife and daughter.

5. Learned counsel for the appellants 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. It appears from the FIR itself that the specific allegation of using the abusive



word against appellant No.1 but from a bare perusal of the FIR it transpired that the allegation took place in the house of respondent No.2 which is not a public place so no case is made out under the SC/ST Act against the appellants and apart from that, there is no specific allegation of any assault or overt-act against any of the appellants rather there is general and omnibus allegation against all the accused persons including the appellants.

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 in my view, no case is made out under the provisions of Schedule Castes and Scheduled Tribes Act is made out, 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 Exclusive Special Judge, SC/ST (POA) Act, Begusarai in connection with Teghra P.S.Case No. 166 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)

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