

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4489 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- SC/ST District- Lakhisarai

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1. Raghvendra Kumar @ Doctor Raghvendra Kumar @ Doctor S/O Pramod Kumar Singh @ Ghutto Singh R/O Ward No. 06, P.S- Barahiya, Distt.- Lakhisarai, Bihar-811302
 2. Yaduvendra Kumar @ Yaduvendra @ Chewra S/O Pramod Kumar Singh @ Ghutto Singh R/O Ward No. 06, P.S- Barahiya, Distt.- Lakhisarai, Bihar-811302

... .. Appellant/s

Versus

1. The State of Bihar
2. Arvind Tati S/O Naresh Tati R/O Khushall Tola, Ward No. 14, Barahiya, Distt.- Lakhisarai, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amrit Kumar, Advocate
For the State : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-06-2025 Heard Mr. Amrit Kumar, learned counsel for the appellants, Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. Despite of entered appearance through Vakalatnama, no one appears on behalf of the Respondent. No. 2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 26.08.2023 passed by the learned Court of Additional District & Sessions Judge-1st-cum-Special Judge, SC/ST, Lakhisarai, in ABP No. 796 of 2023 in connection with Lakhisarai SC/ST P.S.



Case No. 49 of 2023, F.I.R. dated 12.07.2023 registered under Sections 341, 323, 324, 504, 506, 34 of the Indian Penal Code and Sections 3 (1) (r) (s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, appellants are said to have racially abused the informant. It is further alleged that they attacked the informant with edged weapon on neck, head and different parts of the body and people passing from that place saved informant's life. Afterthat, appellants threatened the informant to kill him.

5. Learned counsel for the appellants submits that appellant no. 1 has one criminal antecedent other than the present one but he is on bail in the pending matter and appellant no. 2 has 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 from the perusal of the FIR, it appears that the appellants have not used any abusive language against the informant (respondent no.2) and as far as injury is concerned, injury report of the informant suggest that the injuries are simple in nature.



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 informant and injury report suggest that he has received injuries although injuries are simple in nature.

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. Hence, 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) each with two surities of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1st-cum-Special Judge, SC/ST, Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No. 49 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 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 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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