

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4519 of 2023**

Arising Out of PS. Case No.-496 Year-2023 Thana- BARACHATTI District- Gaya

1. Bablu Singh Son Of Shiv Kumar Singh
2. Yogender Singh @ Yogendra Singh Son Of Shiv Kumar Singh
Both Resident Of Village- Sita Chak, Ps- Barachatti, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramajit Paswan Son Of Late Shibu Paswan Resident Of Village- Sita Chak,
Ps- Barachatti, Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar Singh, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 13-05-2025 Heard Mr.Arvind Kumar Singh, learned counsel for

the appellants and Mr.Usha Kumari 1, learned Spl.P.P. for the

State.

2. Mr.Usha Kumari 1, learned Spl.P.P. for the State

has informed this Court that she has informed the respondent

No.2 about the present case.

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 01.08.2023 in A.B.P. No.236 of 2023 arising out

of Barachati P.S.Case No.496/2023, FIR dated 25.05.2023

passed by the learned Special Judge SC/ST, Spl. Court, Gaya



registered under Sections 341,323,504 and 506/34 of the Indian Penal Code as well as under Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

4. As per the F.I.R., the prosecution case, in brief is that on 24.05.2023 at about 5.00 PM. three accused person as named in the FIR including appellants came with lathi-dang and it is alleged that Bablu Singh (Appellant No.-1) assaulted the informant (Ramjit Paswan) with lathi on his head causing he received head injury because his head was broken and when he villager one Jitan Mandal came to mediate the matter then it alleged that Yogendra Singh assaulted him by brick causing his head was also broken and further abused them taking the name of their caste and further in the F.I.R. the cause of the occurrence was stated that the appellants always shows their strongness and was discharging urine at the door of the Informant and then the instant F.I.R. was lodged.

5. Learned counsel for the appellant submits that the appellants have clean antecedent and they have falsely been implicated in the present case. Although the appellants are named in the FIR but from a bare perusal of the FIR it appears that there is specific allegation against appellant No.1 that he assaulted to the informant with lathi on his head and he has



received the injury and so far allegation against appellant No.2 is concerned that he has assaulted to one Jitan Mandal and he has also received the head injury. Although they have received the injury but the injury report of the informant, namely, Ramjeet Paswan and Jitan Mandal suggests that the injury is simple in nature caused by Hard and Blunt Substance and apart from that, from a bare perusal of the FIR it appears that the appellants have not abused the informant by his caste name so no case is made out under the SC/ST Act against 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, injury inflicted upon the injured person is simple in nature and the appellants have not abused the informant by his caste name, 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 Special Judge SC/ST, Spl. Court, Gaya in connection Barachati P.S. Case No.496/2023, 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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