

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3981 of 2022

Arising Out of PS. Case No.-12 Year-2020 Thana- DHIBRA District- Aurangabad

-
1. ARUN SINGH Son of Suresh Singh Resident of village - Kolhara, P.S.- Dhhibra, Dist.- Aurangabad.
 2. Arunjay Singh Son of Late Surendra Singh Resident of village - Kolhara, P.S.- Dhhibra, Dist.- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nandu Paswan Son of Ramprasad Paswan Resident of village - Kolhara, P.S.- Dhhibra, Dist.- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jitendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP
For the Respondent No.2:	:	Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-04-2025 Heard Mr. Jitendra Kumar Singh, learned counsel for the appellants, learned counsel for the Respondent No.2 as well as Mr. Binay Krishna, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 01.07.2021 passed by the learned Court of 1st Additional District and Session Judge-cum-Special Judge SC/ST, Aurangabad in connection with A.B.P No. 675 of 2021 arising out of Dhibra P.S. Case No. 12 of 2020, F.I.R. dated 04.06.2020 registered under Sections 341, 323, 307, 427, 504/ 34 of the Indian Penal Code and Sections 3(1)(r)(s)/3(ii)(va) of the Scheduled Castes



and Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that when he saw that his crops were destroyed by appellant's goat, he went to complain regarding this to the appellants, where the appellants abused him by taking caste name. When the informant went back to his house, the appellants arrived at the door of the informant armed with *lathi* and *rod* and abused and assaulted the informant and his family members.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. It transpires from the FIR that FIR is in two parts, first occurrence took place at the house of the appellant and second at the house of the informant and it transpires that both occurrence took place in the house of the appellant/informant which is not a public place, so no case is made out under SC/ST Act and apart from that there is specific allegation that these appellants have assaulted the family members of the informant and they have received injury but the injury report of the injured person suggest that injury is simple in nature caused by hard and blunt substance.

5. Learned Special Public Prosecutor for the State and



learned counsel for the Respondent No.2 vehemently opposed the prayer for bail of the appellants.

6. 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.

7. Considering the aforesaid facts and circumstances, appellants have clean antecedent and in view of the averments made in the FIR no case is made out under SC/ST Act and the injury report of the injured person suggest that injury is simple in nature, 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) with two surities of the like amount each to the satisfaction of learned Court of 1st Additional District and Session Judge-cum-Special Judge SC/ST, Aurangabad in connection with A.B.P No. 675 of 2021 arising out of Dhibra P.S. Case No. 12 of 2020, 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.

8. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Suruchi/-

U			
---	--	--	--

