

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4535 of 2023

Arising Out of PS. Case No.-545 Year-2022 Thana- GAYA MUFASIL District- Gaya

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ARPIT SINGH @ ARPIT KUMAR @ PRATIK KUMAR SON OF
SATYENDRA SINGH RESIDENT OF VILLAGE - AMRA, POLICE
STATION - MUFASSIL, DISTRICT - GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SURAJ KUMAR SON OF BRAHMADEO PASWAN RESIDENT OF
VILLAGE - GANJAS, POLICE STATION - MUFASSIL, DISTRICT -
GAYA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Avinash Kumar Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-04-2025 Heard Mr. Avinash Kumar Singh, learned counsel

for the appellant as well as Mrs. Usha Kumari 1, learned Spl.P.P.

for the State.

2. Learned Spl.P.P. has informed this Court that

Respondent no.2 has been informed through SHO, Muffasil

about the present case, despite that no one appeared on behalf of

Respondent no.2.

3. This is an appeal under Sections 14(A)(2) against

refusal of the prayer for anticipatory bail by order dated

21.08.2023 passed by the learned Exclusive Special Judge,

SC/ST, Gaya passed in A.B.P. No. 272 of 2023 arising out of

Mufassil P.S. Case No. 545 of 2022 , F.I.R. dated 30.07.2022



registered under Sections 308, 323, 325, 147, 148, 149, 341 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, on 28.07.2022, when the informant along with his friends were returning home in a bus, the appellant along with other accused persons stopped the bus and assaulted the informant and his friends with iron rods and knuckles.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. It appears that there is no specific allegation of any assault or overt act or using abusive language rather there is general and omnibus allegation against accused persons including this appellant that they have with the common intention assaulted the informant and apart from that both the parties have entered into compromise which is annexed as 'Annexure-2 series' of the bail application.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant but fairly submits that there is no specific allegation of assault against the appellant.

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 appellant, above named, in the event of his 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 sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya passed in A.B.P. No. 272 of 2023 arising out of Mufassil P.S. Case No. 545 of 2022, 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. 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 absence on two consecutive dates without sufficient reason, his 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)

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