

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4563 of 2023

Arising Out of PS. Case No.-526 Year-2022 Thana- KESARIA District- East Champaran

SUMIT KUMAR @ GOLU KUMAR Son of Sunil Singh R/o vill - Kesariya,
P.s. - Kesariya, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi W/o Late Vinod Paswan, D/o Maharaja Paswan R/o vill - Kesariya, P.S. - Kesariya, Distt. - East Champaran

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-04-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel

for the appellant as well as Mr. Sadanand Paswan, learned

Special Public Prosecutor for the State.

2. Despite of valid service of notice upon
Respondent No. 2/Informant, no one appears on behalf of
Respondent No. 2.

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 02.09.2023 in A.B.P. No. 3773 of 2023 passed by
the learned Special Judge, SC/ST, Motihari, East Champaran in
connection with Kesariya P.S. Case No. 526 of 2022 registered



under Sections 341, 323, 307, 379, 354B, 504, 506, 34 of the Indian Penal Code and Sections 3(i) (r)(s) of SC/ST (Prevention of Atrocities) Act.

4. Allegation against the appellant is that he along with other co-accused persons have assaulted the informant and abused her by saying her caste name and her clothes was also torn and her Mangalsutra was snatched away by the petitioner.

5. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. In fact, the appellant has filed a Complaint Case bearing No. 2790 of 2022 against the son of the informant and other family members and in retaliation the informant has filed the false case against the appellant. He further submits that from perusal of the F.I.R. it appears that although the appellant is named in the F.I.R. but there is no specific allegation of any assault or overt attributed against the appellant rather the allegation of assault attributed against other co-accused person.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the



appellant and submits that the appellant carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the appellant is on bail in the pending matter.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts that there is case and counter case and there is no specific allegation of any assault or overt act attributed against the appellant, let the appellant, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST Act, Motihari, East Champaran in connection with Kesariya P.S. Case No. 526 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-

(1) 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.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 dated 02.09.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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