

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4626 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- KUMAR KHAND District- Madhepura

1. PARMANAND YADAV SON OF LATE GOGAL YADAV R/O VILLAGE-GUDIYA, P.S. KUMARKHAND, DISTRICT- MADHEPURA
2. RABEN KUMAR SON OF PARMANAND YADAV R/O VILLAGE-GUDIYA, P.S. KUMARKHAND, DISTRICT- MADHEPURA

... .. Appellant/s

Versus

1. The State of Bihar
2. SHYAM KISHORE S/O RAJ KUMAR PASWAN R/O VILLAGE-GURIYA, WARD NO. 14, P.S.- KUMARKHAND, DISTRICT-MADHEPURA.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nafisuzzoha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP
For the Respondent No.2:	:	Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-04-2025 Heard Mr. Nafisuzzoha, learned counsel for the appellants, learned counsel for the Respondent no.2 as well as Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 12.09.2023 passed by the learned Additional Sessions Judge-1-cum-Special Judge-Madhepura in A.B.P. No. 1147/2023 arising out of Kumarkand P.S. Case No. 111 of 2023, dated 08.04.2023 registered under Sections 341, 323, 307, 379, 384, 504, 506/34



of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (PoA) Act.

3. According to the prosecution case, the informant alleged that when was going on his motorcycle, the appellants along with other accused persons arrived and assaulted him by means of iron rod and abused him using caste name.

4. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. From bare perusal of FIR it appears that due to previous case the present occurrence has taken place and appellants have put pressure upon the informant to withdraw the previous case and there is no specific allegation of assault or overt act rather there is general and omnibus allegation against accused persons including these appellants and specific allegation of assault is against one Vinod Kumar Mandal.

5. Learned Special Public Prosecutor for the State and learned counsel for Respondent no.2 vehemently opposed the prayer for bail of the appellants and submits that appellants are named in the FIR and they participated in crime in question and appellant no.2 has clean antecedent and appellant no.1 has two criminal antecedents but fairly submits on the basis of paragraph-3 of the bail application that he is on bail in the



pending matter.

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, appellant no.2 has clean antecedent and there is no specific allegation against the appellants, 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 sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1-cum-Special Judge-Madhepura in A.B.P. No. 1147/2023 arising out of Kumarkand P.S. Case No. 111 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 bonds 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 antecedents of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedents, the Court below shall take step for cancellation of bail bonds 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)

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