

Arising Out of PS. Case No.-120 Year-2023 Thana- DANIYAWAN District- Patna

... .. Appellant/s

Versus

- ... Respondent/s

For the Appellant/s : Mr. Vijay Anand, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.PP

6 24-06-2025 Heard Mr. Vijay Anand, learned counsel for the
appellant as well as Mrs. Usha Kumari 1, learned Spl.P.P. for the
State.

2. Despite valid service of notice upon Respondent No.2, 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 05.08.2023 passed by the learned Court of Exclusive Special Court SC/ST Act Patna in A.B.P. No. 6213/2023 arising out of Daniyawar P.S. Case No. 120 of 2023, F.I.R. dated 10.05.2023 registered under Sections 341, 323, 307,353,504/ 34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the



Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that he visited the house of co-accused person, namely, Smt. Rashmi Devi for repair of electric connection for verification of New Electric Connection. It is further alleged that after completing the work when the informant went, the appellant abused him by taking caste name and assaulted him by means of *lathi*.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. Infact the informant is a contractual employee of the South Bihar Power Distribution Company and as per the direction of J.E.E for verification of New Electric Connection, he visited the house of co-accused person. The alleged occurrence took place in the house of the co-accused person which is not a public place, so no case is made out under SC/ST Act and apart from that there is also allegation that the appellant has also assaulted to the informant and the informant received injury but his injury report suggest that injury inflicted upon him is simple in nature.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of 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. Considering the aforesaid facts and circumstances, appellant has clean antecedent and the present occurrence took place in the house of the co-accused person which is not a public place, so no case is made out under SC/ST Act, 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 surities of the like amount each to the satisfaction of learned Court of Exclusive Special Court SC/ST Act Patna in connection with Daniyawan P.S. Case No. 120 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. 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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