

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4664 of 2023

Arising Out of PS. Case No.-224 Year-2023 Thana- DULHIN BAZAR District- Patna

VIKKY KUMAR @ VIKKY YADAV son of Nanhak Yadav Village-
Mokimpur Ps- Dulhin Bazar Dist- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. AMRIKA MANJHI SON OF LATE SUKHDEV MANJHI RESIDENT OF
VILLAGE- SABAJPURA, P.S.- DULHIN BAZAR, DISTRICT-PATNA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP
For the Respondent No.2:	:	Mr. Rajen Sahay, Advocate
	:	Mr. Brajesh Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-04-2025 Heard Mr. Ashok Kumar Sinha, learned counsel
for the appellant, Mr. Rajen Sahay, learned counsel for the
Respondent no.2 as well as Mr. Binay Krishna, 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
16.09.2023 passed by the learned Exclusive Special Judge
(SC/ST) Act, Patna in A.B.P. No. 8103/2023 arising out of
Dulhin Bazar P.S. Case No. 224 of 2023, dated 05.07.2023
registered under Sections 341, 323, 504/34 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 he was returning home after performing labour work, appellants along with other accused persons arrived and assaulted and abused him by his caste name.

4. Learned counsel for the appellant submits that appellant has clean antecedent and they have falsely been implicated in the present case. Although the appellant is named in the FIR but there is no specific allegation of assault or overt act rather there is general and omnibus allegation against accused persons including this appellant and there is specific allegation of using abusing language against co-accused, namely, Lalu Yadav and injury report of the injured person suggest that injury is simple in nature cause by hard and blunt substance.

5. Learned Special Public Prosecutor for the State and learned counsel for Respondent no.2 vehemently opposed the prayer for bail of the appellant and submits that appellant is named in the FIR and he also participated in the present crime in question.

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 has clean antecedent and there is no specific allegation against the appellant, 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) Act, Patna in A.B.P. No. 8103/2023 arising out of Dulhin Bazar P.S. Case No. 224 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 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 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 bond 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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