

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4793 of 2023

Arising Out of PS. Case No.-133 Year-2021 Thana- BARACHATTI District- Gaya

1. Sapana Kumari Daughter Of Parvin Prasad Gupta @ Parvin Sao Resident Of Village - Musehana, P.S. - Barachatti, District - Gaya
2. Parvin Sao @ Parvin Prasad Gupta Son Of Wasudev Saw Resident Of Village - Musehana, P.S. - Barachatti, District - Gaya
3. Parwati Devi Wife Of Parvin Prasad Gupta @ Parvin Sao Resident Of Village - Musehana, P.S. - Barachatti, District - Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Raj Kumari Devi Wife Of Shambhu Paswan Resident Of Village - Musehana, P.S. - Barachatti, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar Saxena, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-04-2025 Heard Mr. Anil Kumar Saxena, learned counsel for the appellants and Ms. Usha Kumari, 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 26.07.2023 passed by the learned Exclusive Special Judge, SC/ST, Spl. Court, Gaya in ABP No. 254 of 2023 in connection with Barachatti P.S. Case No. 133 of 2021, F.I.R. dated 25.02.2021 registered under Sections 147, 149, 341, 323, 504, 506 and 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, all these appellants over a petty dispute, assaulted the respondent no. 2 and his family members and also abused them by taking their caste name.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt act or abusing the victim by the caste name against these appellants rather there is general and omnibus allegation against all the accused persons including these appellants and on 20 to 30 unknown persons.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R. and with the common intention, they have assaulted the respondent no. 2 and his family members.



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. Hence, considering the aforesaid facts, it transpires that there is no specific allegation against the appellants in the F.I.R., in view of the aforesaid, no case is made out under the SC/ST Act and the appellants have clean antecedent, 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 surities of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Spl. Court, Gaya in connection with Barachatti P.S. Case No. 133 of 2021, 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 bond shall be cancelled by the Court below.



ii. If the appellants 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 appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond 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)

Jyoti Kumari/-

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