

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4634 of 2024

Arising Out of PS. Case No.-251 Year-2024 Thana- FATEHPUR District- Gaya

1. Amod Yadav @ Amodh Yadav Son of Balmukun Yadav @ Baal Mukund Prasad Residents of village- Chhiri, P.S. Fatehpur, District- Gaya
2. Munna Yadav @ Munna Kumar Son of Balmukun Yadav @ Baal Mukund Prasad Residents of village- Chhiri, P.S. Fatehpur, District- Gaya
3. Golu Yadav @ Golu Kumar @ Vishwakarm Kumar @ Vishwakarma Kumar Son of Ramu Yadav Residents of village- Chhiri, P.S. Fatehpur, District- Gaya
4. Happy Yadav @ Happy Kumar Son of Vijay Yadav Residents of village- Chhiri, P.S. Fatehpur, District- Gaya
5. Dinesh Yadav @ Dinesh Prasad Son of Brahmdeo Yadav Residents of village- Chhiri, P.S. Fatehpur, District- Gaya
6. Jaicky Yadav @ Jaiky Anand Son of Vijay Yadav Residents of village- Chhiri, P.S. Fatehpur, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sonmanti Kumari D/O Sanjeevan Das Residents of village- Chhiri, P.S. Fatehpur, District- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Sharma, Advocate
For the Resp. No. 2	:	Mr. Dharendra Nath Jha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-07-2025 Heard Mr. Sanjay Kumar Sharma, learned counsel for the appellants, Mr. Dharendra Nath Jha, 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) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order



dated 18.07.2024 in A.B.P. No. 227 of 2024 passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Fatehpur P.S. Case No. 251 of 2024 F.I.R. dated 03.05.2024 registered under Sections 448, 341, 323, 325, 307, 354(a), 354(b), 504/34 of the Indian Penal Code and Sections 3(i) (r), 3(i)(s), 3(2) (i)(w), 3(2)(v) of SC/ST Act.

3. Allegation against the appellants is that he along with other co-accused persons entered into the house of the informant and started abusing by her caste name and also assaulted the informant and her father due to which causing head injury to her father.

4. Learned counsel for the appellants submits that the appellants have clean antecedents and they have been falsely implicated in the present case and there is case and counter case between the parties. He further submits that the appellants are named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these appellants rather there is general and omnibus allegation against all the accused persons including these appellants and apart from that it appears from the F.I.R. itself that the alleged occurrence had taken place in the house of the informant and hence no case is made out under Section SC/ST Act.

5. Learned counsel for the Informant as well as learned



Special Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the appellants and submits that the appellants are named in the F.I.R..

6. 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.

7. Considering the aforesaid facts that the appellants having clean antecedents and there is case and counter case between the parties and there is no specific allegation against the appellants and apart from that the alleged occurrence had taken place at the house of the informant and hence no case is made out under SC/ST Act, let the appellants, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Fatehpur P.S. Case No. 251 of 2024, 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) 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.

(2) If the appellants tamper 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 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 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 dated 18.07.2024 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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