

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4732 of 2023**

Arising Out of PS. Case No.-137 Year-2023 Thana- RAJAOLI District- Nawada

Sachin Kumar Son Of Prahlad Yadav R/O Village- Amawan, P.S.- Rajauli,
Dist.- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Ritik Kumar Son Of Upendra Rajbanshi R/O Village- Amawan, P.S.-
Rajauli, Dist.- Nawada, Pin No. 805125

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramchandra Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 29-04-2025 Heard Mr. Ramchandra Singh, learned counsel for the

appellant and Ms. Usha Kumari No. 1, learned Special Public

Prosecutor for the State.

2. Learned Spl.P.P. has informed this Court that she has
informed the respondent no. 2 through the S.H.O., Rajauli P.S.
Nawada on 21.04.2025 despite of that no one appeared on behalf
of the respondent no. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
16.08.2023 passed by the learned Additional District and
Sessions Judge-VI-cum-Special Judge (POCSO), Nawada, in
ABP No. 1997 of 2023 in connection with Rajauli P.S. Case No.
137 of 2023 F.I.R. dated 03.03.2023 registered under Sections



143, 147, 149, 341, 323, 354(A), 307, 504 and 506 of the Indian Penal Code as well as Section 27 of the Arms Act and Sections 3 (i) (r) (s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, this appellant and all accused persons with 30 unknown came abused some girls and misbehaved with them and after raised hulla by the girls, all the accused persons including this appellant abused the girls and their family by caste name and threatened them to kill.

5. Learned counsel for the appellant submits that appellant has clean antecedent and has 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. It appears from the F.I.R. that initially the appellant was not named in the F.I.R. but during investigation the informant has filed an application stating therein that on the instance of the present appellant the other accused persons have fired upon them. From the perusal of the F.I.R., it appears that the informant has filed a detailed and comprehensive F.I.R. alleging each and every incident in the F.I.R. but the informant has not stated the name of the appellant in the F.I.R.. It transpires that the present appellant has been implicated in this case afterthough only to harras him apart from



that the injury report of the injured 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. Hence, considering the aforesaid facts, the appellant has clean antecedent, initially he was not named in the F.I.R. his name has been transpired on the basis of the application filed by the injured person and except aforesaid, no cogent material has been come during investigation which suggests the involvement of the appellant in the present occurrence, 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 Additional District and Sessions Judge-VI-cum-Special Judge (POCSO), Nawada, in connection with Rajauli P.S. Case No. 137 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)

Jyoti Kumari/-

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