

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4818 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- JAYNAGAR District- Madhubani

Rakesh Kumar Singh @ Rakesh Singh Son Of Nathuni Singh @ Tapeswar Singh Resident Of Village - Hanuman Nagar, Parwa, Ward No.13, Police Station - Jaynagar, District - Madhubani

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sri Prasad Paswan Son Of Tapsi Paswan Resident Of Village - Selara, Ward No.8, Police Station - Jaynagar, District - Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Jha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2025 Heard Mr. Sanjay Kumar Jha, learned counsel for the appellant and Mr. Binay Krishna, learned Special Public Prosecutor for the State.

2. Learned Spl.P.P. has informed this Court that he has informed the respondent no. 2 through the Superintendent of Police, Madhubani on 26.04.2025 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 17.07.2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge Madhubani, in ABP No. 1402 of 2023 in connection with Jaynagar P.S. Case No. 98 of 2023 F.I.R. dated



08.03.2023 registered under Sections 341, 323, 307, 353, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (POA) Act.

4. According to the prosecution case, the appellant on a petty dispute assaulted the informant and also abused him by taking his caste name.

5. Learned counsel for the appellant submits that appellant has falsely been implicated in the present case. It transpires from the F.I.R. that there is no specific allegation of any assault or overt act against this appellant and it also transpires that the appellant was may be a member of the mob and apart from that the injury report of the injured person suggests that the injury is simple in nature.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that the appellant carries two cases other than the present one but fairly submits that on the basis of the Paragraph 3 of the bail petition that the appellant is on bail in the pending matters.

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, there is no



specific allegation of any assault or overt act against this appellant and injury inflicted upon the injured person is simple in nature, 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 1st Additional Sessions Judge-cum-Special Judge Madhubani, in connection with Jaynagar P.S. Case No. 98 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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