

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4824 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- SC/ST District- Vaishali

1. Vikash Kumar Sah @ Vikash Kumar @ Viaksh Kumar Sah S/o Shyam Nath Sah Village- Laxmi Narayanpur, Ps. Lalganj, Dist. Vaishali
2. Bipul Kumar Sah S/o Shyam Nath Sah Village- Laxmi Narayanpur, Ps. Lalganj, Dist. Vaishali
3. Shyam Nath Sah S/o Late Mahendra Sah Village- Laxmi Narayanpur, Ps. Lalganj, Dist. Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Shambhu Paswan S/o Late Ram Lal Paswan Village- Laxmi Narayanpur, Ps. Lalganj, Dist. Vaishali

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4829 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- SC/ST District- Vaishali

Sukesh Kumar Sah @ Sukesh Kumar S/o Tapeswar Sah Village- Laxmi Narayanpur, Ps. Lalganj, Dist. Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Shambhu Paswan S/o Late Ram Lal Paswan Village- Laxmi Narayanpur, Ps. Lalganj, Dist. Vaishali

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 4824 of 2023)

For the Appellant/s : Mr. Anil Kumar, Advocate

For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P.

(In CRIMINAL APPEAL (SJ) No. 4829 of 2023)

For the Appellant/s : Mr. Anil Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-05-2025 Heard Mr. Anil Kumar, learned counsel for the
appellants, Mrs. Usha Kumari 1 in Cr. App (SJ) No. 4824 of



2023 and Mr. Binay Krishna in Cr. App (SJ) No. 4829 of 2023, learned Spl.P.P. for the State.

2. Learned Spl.P.P. for the State submits that they have informed the Respondent No. 2 through the Superintendent of Police, Vaishali but despite that no one appears on behalf of the Respondent No. 2.

3. These are the appeals under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 23.09.2023 passed by the learned Court of Exclusive Special SC/ST Act cum Additional District & Sessions Judge, Vaishali at Hajipur in ABP No. 1974 of 2023(in Cr. App (SJ) No. 4824 of 2023) and in ABP No. 2607 of 2023(in Cr. App (SJ) No. 4829 of 2023) in connection with Hajipur SC/ST P.S. Case No. 30 of 2023, F.I.R. dated 10.07.2023 registered under Sections 341, 323, 379, 385, 447, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r),3(i) (s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, all the accused persons including these appellants have intercepted the informant and his son and committed assault with them by means of fist and slaps and also abused them by taking their caste name and they have also assaulted with the nephew of the



informant. It is further alleged that they have snatched their mobile phones and also took Rs. 200/- from informant's pocket and fled away.

5. 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 earlier the wife of the appellant no. 3 (in Cr. App (SJ) No. 4824 of 2023) has filed a complaint petition on 01.07.2023 against the informant and his family members. Although the informant has filed F.I.R on 10.07.2023 but from perusal of the F.I.R it appears that the date of occurrence is 02.07.2023 which suggest that the informant has filed the present F.I.R after delay of about 8 days without giving any explanation of the said delay. Apart from that it appears from the F.I.R that there is no specific allegation of assault or abusing by taking any caste name against these appellants rather there is general and omnibus allegation against all the accused persons including these appellants. He further submits that the informant side have received some injury but the injury report of the injured persons suggest that the injuries are simple in nature.

6. 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.

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, 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 Court of Special Judge, SC/ST Act, Vaishali at Hajipur in connection with Hajipur SC/ST P.S. Case No. 30 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. 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.

9. Accordingly, the impugned order is set aside and these appeals stands allowed.

(Rajesh Kumar Verma, J)

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