

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4822 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- TARAIYA District- Saran

Vijay Kumar S/O- Birendra Mahto Village- Sirmi Ps- Taraiya Dist- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Om Prakash Sah son of Ghinawan Sah Village- Bahuwara Po- Serukaha Ps- Mashrak Dist- SARan at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2025 Heard Mr. Vijay Kumar, 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, Saran about the present case 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 27.09.2023 passed by the learned Court of SC/ST Exclusive Special Judge Chapra, Saran, in ABP No. 3458 of 2023 in connection with Taraiya P.S. Case No. 134 of 2023 F.I.R. dated 10.05.2023 registered under Sections 341, 323, 379, 504 and 34



of the Indian Penal Code and Sections 3 (1) (4) (s) of the Scheduled Castes and Scheduled Tribes (POA) Act.

4. According to the prosecution case, the appellant and other co-accused persons and ten other unknown persons assaulted the informant and also abused him by taking his caste name.

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 appellant has not committed any offences as alleged in the F.I.R. Although, the appellant is named in the F.I.R. but from the perusal of the F.I.R., it appears that the specific allegation of assault is attributed against, namely, Budhan and Gopal and apart from that it appears from the F.I.R. that the date of occurrence is 06.05.2020 but the present F.I.R. has been instituted on 10.05.2020 i.e., after delay of about four days without giving any explanation of the said delay. There is no such allegation that the appellant has abused the informant in any manner.

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 and there is no such allegation of assault or over act against or abusing by the caste name to the informant against the appellant, 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 Court of SC/ST Exclusive Special Judge Chapra, Saran, in connection with Taraiya P.S. Case No. 134 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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