

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4851 of 2024

Arising Out of PS. Case No.-150 Year-2024 Thana- MOHAMMADPUR District- Gopalganj

1. Bhola Rai @ Bhola Yadav Son of Shankar Yadav
 2. Abhishek Kumar @ Abhishek Rai @ Bhutan Rai Son of Shanker Rai
 3. Vivek Rai @ Vivek Kumar Son of Late Ranjay Rai
 4. Ritesh Rai @ Bhagat Rai Son of Sanjay Rai
- All R/O- Katyea Khas, P.S-Mohammadpur, Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilwara Devi Wife of Sudarshan Shah R/O- Katyea Khas, P.S- Mohammadpur, Dist- Gopalganj

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-08-2025 Heard Mr.Anuj Kumar, learned counsel for the appellants and Ms. Usha Kumari 1, learned Spl.P.P. for the State.

2. Despite of valid service of notice upon respondent No.2, no one appears on behalf of respondent No.2.

3. 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 05.09.2024 in A.B.P. No.2064 of 2024 passed by the learned XI Additional Sessions Judge-cum-Exclusive



Special Judge SC/ST, Gopalganj in connection with Mohammadpur P.S. Case No. 150 of 2024, dated 17.06.2024 registered under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code as well as under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. Allegation against the appellants is that they alongwith other co-accused persons assaulted to the informant and informant's son and used caste abusing words and snatched gold chain and Rs.30,000/- cash.

5. Learned counsel for the appellant submits that the appellants have clean antecedent. Although the appellants are named in the FIR but the specific allegation of assault is attributed against co-accused persons, namely, Sanjay Rai and there is no specific allegation against the appellants. Learned counsel for the appellants further submits that it appears from the FIR that the present occurrence has taken place on 18.05.2024 but the present FIR has been instituted on 17.06.2024 after delay of about one month without giving any explanation of delay apart from that, due to previous enmity, one BLDR Case No.19 of 2022-2023 is pending before the District Additional Collector, Gopalganj which suggests that the land dispute is going on between the parties and there is case



and counter case.

6. The learned Spl.P.P. for the State has vehemently opposed the prayer for anticipatory 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 Schedule Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts, appellants have clean antecedent, there is no specific allegation against these appellants as alleged in the FIR, there is case and counter case and civil dispute is going on between the parties, 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 XI Additional Sessions Judge-cum-Exclusive Special Judge SC/ST, Gopalganj in connection Mohammadpur P.S. Case No. 150 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 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 tamper 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 this appeal stands allowed.

(Rajesh Kumar Verma, J)

Nitesh/-

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