

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5077 of 2023

Arising Out of PS. Case No.-555 Year-2023 Thana- BIHTA District- Patna

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1. Indrajeet Yadav @ Indrajeet @ Muttu Yadav @ Muttu S/O Pappu Yadav Village- Kauriya, Ps. Bihta, Dist. Patna
 2. Chandrajeet @ Chandrajeet Kumar @ Tutu Yadav S/O Pappu Yadav Village- Kauriya, Ps. Bihta, Dist. Patna
 3. Arun Patel S/O Jung Bahadur Patel Village- Kauriya, Ps. Bihta, Dist. Patna
 4. Sonu Kumar S/O Arun Patel Village- Kauriya, Ps. Bihta, Dist. Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramji Ram S/O Late Chandeshwar Ram Village- Kauriya, Ps. Bihta, Dist. Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arbind Kumar Singh, Advocate
For the State : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-04-2025 Heard Mr. Arbind Kumar Singh, learned counsel for the appellants as well as Mr. Binay Krishna, learned Special Public Prosecutor for the State.

2. Despite of entered appearance through *Vakalatnama* on behalf of 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 20.09.2023 in A.B.P. No. 7017 of 2023 passed by



the learned Exclusive Special Court, SC/ST Act, Patna in connection with Bihta P.S. Case No. 555 of 2023, Special Case No. 201 of 2023, F.I.R. dated 03.06.2023 registered under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i) (r)(s)/(3)(2) (va) of SC/ST (POA) Act.

4. Allegation against the appellants is that he along with other co-accused persons were stealing mangoes by plucking it from the tree of the informant and the accused persons abused the informant by taking caste name and threatened him and assaulted the informant with lathi, danda on his head with an intention to kill the informant due to which he fell down and sustained injuries.

5. Learned counsel for the appellants submits that the appellants are innocent and they have been falsely 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 offence as alleged in the F.I.R. He further submits that it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against these appellants rather there is specific allegation of assault is attributed against co-accused person namely Pappu Yadav and apart from that Pappu Yadav also abused the informant and the



injury report of the informant suggests that the injury is simple in nature.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the appellants and submits that the appellant nos. 2 and 4 having clean antecedents and petitioner nos. 1 and 3 carry one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the appellant nos. 1 and 3 are 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 Casts and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances of the case and the fact that there is no specific allegation of any assault or overt act attributed against these appellants rather there is specific allegation of assault is against co-accused Pappu Yadav, 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 Exclusive Special Court, Special Judge



SC/ST, Patna in connection with Special Case No. 201 of 2023 arising out of Bihta P.S. Case No. 555 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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 dated 20.09.2023
is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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