

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5091 of 2023

Arising Out of PS. Case No.-1196 Year-2022 Thana- KANKARBAG District- Patna

1. Awadhesh Kishore Prasad S/o Late Chandeshwar Singh Village And P.O. Junyar, Ps. Hilsa Dist. Nalanda. At Present. P.C. Colony, Kankarbagh, Ps. Kankarbagh, Dist. Patna
2. Ranjeet Kumar S/o Jagdeo Prasad Sinha Village- Madhopur, Sabnahaur, Ps. Hilsa, Dist. Nalanda
3. Javindra Prasad S/o Ramotar Ghosh Village- Nunia Bigha, Ps. Hilsa, Dist. Nalanda
4. Mathur Kumar S/o Harihar Chauhan Village- Junyar, Ps. Hilsa, Dist. Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Kumar Sinha S/o Late Radheyshyam Sinha R/o Mohalla-Transport Nagar, P.S.-Agamkuan, District-Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-04-2025 Heard Mr. Ram Kumar Singh, learned counsel for the appellants as well as as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. Despite interappearance through *Vakalatnama*, no one appears 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 14.09.2023 passed by the learned Exclusive Special Court of SC/ST Act, Patna in ABP No. 3525 of 2023 in connection with



Kankarbagh P.S. Case No. 1196 of 2022, F.I.R. dated 14.12.2022 registered under Sections 147, 341, 323, 504 and 506 of the Indian Penal Code and Sections 3 (1) r (s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, all these appellants along with other accused persons intercepted the informant and assaulted him and also abused him by taking his case name and further poured acid on him in order to kill him.

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 the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the date of occurrence is 20.11.2022 but the present F.I.R has been instituted on 14.12.2022 i.e., after delay of 24 days without giving any explanation of the said delay. In fact, the informant has taken loan from the appellant nos. 1, 3 & 4 (Annexure-2) and when these appellants asked to refund their money, then the informant has falsely implicated these appellants in this case. He further submitis that the informant has already issued two cheques amounting to Rs. 50 thousand and Rs. 1 lakh in favour



of the appellant no. 2 (Annexure-3) but the same was bounced on 21.01.2022 due to lack of sufficient fund in the informant's account. Thereafter, the appellants have again specifically demanded their money back but the informant has falsely implicated them in the present case. Apart from that it transpires that the informant does not belong to SC/ST community, so no case is made out against the appellants under the SC/ST Act.

6. Learned Special Public Prosecutor for the State has 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. Considering the aforesaid facts and circumstances that the appellants have clean antecedent, informant does not belong to SC/ST community and in the background of the money dispute the informant has falsely implicated these appellants, 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 Special Judge, SC/ST, Patna in



connection with Kankarbagh P.S. Case No. 1196 of 2022, 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
this appeal stands allowed.

(Rajesh Kumar Verma, J)

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