

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5036 of 2023

Arising Out of PS. Case No.-676 Year-2023 Thana- NATHNAGAR District- Bhagalpur

1. Rakesh Kumar S/O Chanchal Mandal R/O Village- Mathurapur, Ps.Nathnagar, Dist. Bhagalpur
2. Sagar Kumar @ Sagar Mandal S/O Chaudhary Mandal R/O Village- Mathurapur, Ps.Nathnagar, Dist. Bhagalpur
3. Sanjay Kumar Mandal @ Sanjay Mandal S/O Chedi Mandal R/O Village- Mathurapur, Ps.Nathnagar, Dist. Bhagalpur
4. Vinit Kumar @ Vinit Mandal S/O Ganesh Mandal R/O Village- Mathurapur, Ps.Nathnagar, Dist. Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Bihari Kumar S/O Srikant Paswan Village- Mathurapur, Ps. Nathnagar, Dist. Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ankit Raj, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-06-2025 Heard Mr. Ankit Raj, learned counsel for the appellants, Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. Despite of valid service of notice upon respondent no. 2 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 29.09.2023 passed by the learned Court of Additional District & Sessions Judge-III-cum-Special Judge SC/ST (POA) Act,



Bhagalpur in ABP No. 2493 of 2023 in connection with Nathnagar P.S. Case No. 676 of 2023 F.I.R. dated 20.03.2023 registered under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act (POA) Act.

4. According to the prosecution case, all these appellants over a petty dispute, assaulted the respondent no. 2.

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 although the appellants are named in the F.I.R. but from the perusal of the F.I.R., it appears that there is no specific allegation of any assault or over act or abusing the informant by caste name there is general and omnibus allegation against all the accused persons including these appellants.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the F.I.R.

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, the appellants have



clean antecedent and there is no specific allegation of any assault or over act against 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 Additional District & Sessions Judge-III-cum-Special Judge SC/ST (POA) Act, Bhagalpur in connection with Nathnagar P.S. Case No. 676 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 this appeal stands allowed.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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