

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5146 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- SC/ST District- Patna

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1. Rohit Kumar @ Rahit Kumar S/O Hare Krishna Thakur R/O Village- Beldarichak, P.S- Parsa Bazar, Distt.- Patna.
 2. Hare Krishna Thakur S/O Radhe Krishna Thakur R/O Village- Beldarichak, P.S- Parsa Bazar, Distt.- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rajiv Ranjan Son of Doman Ravidas Resident of Village- Beldarichak, P.O.- Punpun, P.S.- Parsa Bazar, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate
For the State : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-04-2025 Heard Mr. Sanjay Kumar, learned counsel for the appellants as well as Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. Despite of valid service of notice upon Respondent No. 2/Informant, 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 06.10.2023 in A.B.P. No. 8116 of 2023 passed by the learned Exclusive Special Judge, SC/ST, Patna in connection with SC/ST Patna P.S. Case No. 30 of 2023 F.I.R. dated



06.06.2023 registered under Sections 341, 323, 354, 504, 506, 509, 34 of the Indian Penal Code and Sections 3(1) (r)(s)(w) (2)/3(2) (va) of SC/ST Act.

4. Allegation against the appellants is that he along with other co-accused persons have assaulted the informant's son and daughter and also abused them by saying their caste names.

5. Learned counsel for the appellants submits that the appellants have clean antecedents 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. In fact, no such occurrence had taken place and in fact the appellant no. 1 has filed an F.I.R. bearing Parsa Bazar P.S. Case No. 247 of 2023 against both the sons of the informant on 29.05.2023 under Sections 341, 323, 307, 504/34 of the Indian Penal Code and the present case has been filed in retaliation of the aforesaid case. He further submits that it appears from the F.I.R. that the alleged date of occurrence is 28.05.2023 but the present F.I.R. was instituted on 06.06.2023 after delay of nine days without giving any explanation of delay and apart from that re-statement of victim was recorded by the police in which



she has not fully supported the case of the prosecution.

6. Learned Special Public Prosecutor 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 Scheduled Casts and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts that the appellants having clean antecedents and the victim has not supported the case of the prosecution in her statement before the police and apart from that it transpires that the present case been filed by the informant in retaliation of Parza Bazar P.S. Case No. 247 of 2023, 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 Judge, SC/ST, Patna in connection with SC/ST Patna P.S. Case No. 30 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 06.10.2023 is set aside and this appeal stands allowed.

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(Rajesh Kumar Verma, J)

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