

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5150 of 2023**

Arising Out of PS. Case No.-251 Year-2023 Thana- NAWANAGAR District- Buxar

Birendra Kumar Singh S/O Late Yamuna Singh @ Late Zamuna Prasad Singh  
R/O Village- Giridhar Baraon, Ps. Sonversa (O.P.), Dist. Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Shila Kumari W/O Prem Kumar Tatwa Village- Giridhar Baraon, Ps. Sonbarsha (O.P.), Dist. Buxar

... .. Respondent/s

**Appearance :**

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      13-05-2025                      Heard Mr.Akash Kumar Mishra, learned counsel for  
  
the appellant and Mr.Sadanand Paswan, 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 31.08.2023 in A.B.P. No.1163 of 2023 passed by  
the learned Additional Sessions Judge-1-cum-Special Judge,  
SC/ST (POA) Act and Children Court, Buxar in connection with  
Nawanagar (Sonversa O.P.) P.S.Case No. 251 of 2023 registered



under Sections 341,323,354,504,506/34 of the Indian Penal Code as well as under Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act.

4. Allegation against the appellant is that he in connivance with his wife abused and assaulted the informant.

5. Learned counsel for the appellant submits that the appellant has clean antecedent and he has falsely been implicated in the present case. It appears from the FIR that the appellant has not abused the informant by taking her caste name so no case is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellant and apart from that, from a bare perusal of the FIR, it transpired that the informant has some personal dispute with the wife of the appellant, so she has filed the present false case against the appellant. There is case and counter case. It transpired from the FIR that no case is made out under the SC/ST Act against the appellant and appellant is the Assistant Professor posted at B.H.U., Varanasi.

6. The learned Spl.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellant.

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, appellant has clean antecedent, from a bare perusal of the FIR it appears that no case is made out under the SC/ST Act against the appellant because the appellant has not abused the informant by taking her caste name and there is case and counter case, let the appellant, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1-cum-Special Judge, SC/ST (POA) Act and Children Court, Buxar in connection with Nawanagar (Sonvarsa O.P.) P.S.Case No. 251 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Appellant 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the appellant 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 appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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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