

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5185 of 2023

Arising Out of PS. Case No.-50 Year-2022 Thana- MAIGRA District- Gaya

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1. JITENDRA PRASAD SINGH S/O JAIRAM SINGH R/O VILLAGE- PANCHMAH, PS. MAIGRA, DIST. GAYA.
 2. RAVINDRA SINGH S/O JAIRAM SINGH R/O VILLAGE- PANCHMAH, PS. MAIGRA, DIST. GAYA.

... .. Appellant/s

Versus

1. The State of Bihar
2. Arjun Das S/O Parmeshwar Das R/O Village- Panchmah, Ps. Maigra, Dist. Gaya (BIHAR)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shailesh Kumar Singh, Advocate
For the Resp. No. 2	:	Mr. Sudhir Kumar Sinha, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-08-2025 Heard Mr. Shailesh Kumar Singh, learned counsel for the appellants, Mr. Sudhir Kumar Sinha, learned counsel for the Respondent No. 2 as well as Mr. Binay Krishna, learned Special Public Prosecutor for the State.

2. 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 29.09.2023 in A.B.P. No. 323 of 2023 passed by the learned Exclusive Special Judge, SC/ST, Spl. Court, Gaya in connection with Maigra P.S. Case No. 50 of 2022 F.I.R. dated 06.11.2022 registered under Sections 147, 148, 149, 447, 448,



436, 427, 379, 382, 307, 341, 342, 302, 120(B) of the Indian Penal Code, Section 34 Dayan Witch Act and Sections 3(i) (r)(s) (v)Z (zb), 3(2)(iii)(iv)(v)(v-a) of SC/ST (POA) Act.

3. Allegation against four named accused persons and 200 unknown for assaulting, abusing and killing to the wife of Arjun Das using criminal force.

4. 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 are not named in the F.I.R. and the name of the appellants have come during investigation. From perusal of the F.I.R. it appears that there is specific allegation against other co-accused persons who are named in the F.I.R. Learned counsel for the appellants further submits that similarly situated co-accused appellants have been granted the privilege of anticipatory bail vide order dated 12.06.2023 passed in Cr. APP (SJ) No. 18556 of 2023.

5. Learned counsel for the Respondent No. 2 as well as learned Special Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the appellants and submits that the appellants were involved in the



present crime in question.

6. 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.

7. Considering the aforesaid facts that the appellants having clean antecedents and the appellants are not named in the F.I.R. and the name of the appellants have been transpired during investigation and similar situated co-accused persons have been granted bail by a Coordinate Bench of this Court, 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, Spl. Court, Gaya in connection with Maigra P.S. Case No. 50 of 2022, 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.

8. Accordingly, the impugned order dated 29.09.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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