

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5237 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- SC/ST District- Kaimur (Bhabua)

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1. SRI DAYAL SINGH @ SRI DAYAL YADAV SON OF RAJ MOHAN SINGH R/O VILLAGE- GADKE @ GADHKE @ GARAKE, P.S.- ADHAURA, DISTRICT- KAIMUR (BHABUA)
 2. RAJ MOHAN SINGH @ RAJ MOHAN SINGH YADAV @ RAJMOHAN YADAV SON OF LATE SHIVBACHAN SINGH R/O VILLAGE- GADKE @ GADHKE @ GARAKE, P.S.- ADHAURA, DISTRICT- KAIMUR (BHABUA)

... .. Appellant/s

Versus

1. The State of Bihar
2. JASWANT SINGH KHARWAR SON OF CONGRESI SINGH KHARWAR R/O VILLAGE- GARAKE @ GADKE @ GADHKE , P.S.- ADHAURA, DISTRICT- KAIMUR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl.PP
For the Respondent No.2:	:	Mr. Pawan Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 29-04-2025 Heard Mr. Arvind Kumar, learned counsel for the appellants, Mr. Pawan Kumar Singh, learned counsel for the Respondent No.2 as well as Mr. Binay Krishna, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 23.09.2023 passed by the learned Special Court, Schedule Cast and Scheduled Tribes (PoA) Act, Kaimur at Bhabhua passed in A.B.P No. 1362 of 2023 in connection with SC/ST Bhabhua P.S.



Case No. 40 of 2023, F.I.R. dated 21.08.2023 registered under Sections 341, 323, 379, 504, 506/ 34 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that when the informant was at home, appellant no.1 was passing by his house on his tractor and break the wall of the house of the informant. On protest, appellant no.1 assaulted and then went back. After sometime, both the appellants arrived and assaulted the informant and his family members by means of *lathi*, *danda* and also abused him by taking his caste name. It is further alleged that appellant no.1 snatched golden chain from the mother of the informant.

4. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. There is inordinate delay in lodging the present First Information Report inasmuch as the occurrence has taken place on 07.08.2023 and the First Information Report has been lodged on 21.08.2023 i.e. after 14 days without giving any reason for delay and apart from that it transpires from the FIR that the present occurrence took place in house of the informant which is not a public place, so no case under SC/ST Act is made



out.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent No.2 vehemently opposed the prayer for bail of the appellants and submits that both the appellants have two criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that both the appellants are on bail in the pending matters.

6. 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.

7. Hence, 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 Court, Schedule Cast and Scheduled Tribes (PoA) Act, Kaimur at Bhabhua passed in A.B.P No. 1362 of 2023 in connection with SC/ST Bhabhua P.S. Case No. 40 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.

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

(Rajesh Kumar Verma, J)

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