

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5351 of 2023

Arising Out of PS. Case No.-904 Year-2023 Thana- SHERGHATI District- Gaya

Prahlad Rao @ Prahlad Raut Son of Late Durga Rao @ Durga Raut Resident
of Bajaura, P.S. - Dobhi, District - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Sita Kumari Wife of Pramod Das, D/o. Manoj Das Resident of Village -
Bajaura, P.S. - Dobhi, District - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Krishna Kant Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Resp. No. 2	:	Mr. Sharda Nand Mishra, Advocate
		Mr. Deepak Kumar, Advocate
		Mr. Sumit Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-04-2025 Heard Mr. Krishna Kant Singh, learned counsel for

the appellant, Mr. Sharda Nand Mishra, learned counsel
appearing on behalf of the Respondent No. 2 as well as Mr.
Sadanand Paswan, 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
29.09.2023 passed by the learned Exclusive Special Judge
SC/ST, Special Court, Gaya in connection with Sherghati
(Dobhi) P.S. Case No. 904 of 2023, F.I.R. dated 19.08.2023
registered under Sections 341, 323 & 504 of the Indian Penal
Code and Sections 3(i)(r)(s)(w) of the Scheduled Castes and



Scheduled Tribes (POA) Act.

3. According to the prosecution case, when the informant went to attend the call of nature then this appellant has assaulted on her back by means of lathi and fled away.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case due to village politics. He further submits that it appears from the F.I.R that the appellant has not used the caste name of the informant, so no case is made out under the SC/ST Act. Apart from that there is allegation against the appellant that he assaulted to the informant by means of Lathi due to which she received injury but no injury report is available on the record which suggests that the informant has received any injury. He further submits that all the sections of the Indian Penal Code are bailalbe and in view of the aforesaid background, no case is made out under the SC/ST Act against the appellant.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that there is direct and specific allegation against the appellant in the F.I.R and apart from that, the



appellant carries one criminal antecedent other than the present one but fairly submits that he is on bail in the said case.

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. Considering the aforesaid facts and circumstances, let the appellant, above named, in the event of his 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 Exclusive Special Judge SC/ST, Special Court, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 904 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. 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 absence on two consecutive dates without sufficient reason, his 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.

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

(Rajesh Kumar Verma, J)

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