

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5303 of 2023

Arising Out of PS. Case No.-46 Year-2020 Thana- SC/ST District- Gaya

1. NARESH PASWAN SON OF RAMJIT PASWAN R/O VILLAGE-BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
2. RAJDEO PASWAN SON OF SRI BALAK PASWAN R/O VILLAGE-BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
3. MINA DEVI WIFE OF SRI NARESH PASWAN R/O VILLAGE-BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
4. GAURI SHANKAR YADAV SON OF LATE KALI GOP @ KALI YADAV R/O VILLAGE- BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
5. SAMIM AHMAD SON OF SAFIK MIAN @ SAFIK ALI R/O VILLAGE-BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
6. SAHAID @ SAHID ANSARI SON OF SAUKAT MIAN @ SAUKAT ANSARI R/O VILLAGE- BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
7. JAHID @ JAHID ANSARI SON OF SAUKAT MIAN @ SAUKAT ANSARI R/O VILLAGE- BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
8. IRFAN @ IRFAN ANSARI SON OF HAFIJ MIAN @ HAFIJ ANSARI R/O VILLAGE- BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
9. SAFIK MIAN SON OF LATE AJIJ MIAN R/O VILLAGE- BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
10. HAFIJ MIAN @ ABDUL HAFIJ SON OF LATE AJIJ MIAN R/O VILLAGE- BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
11. KAUSHAR MIAN @ MD. KAUSAR @ KAUSHAR ANSARI SON OF LATE AJIJ MIAN R/O VILLAGE- BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
12. SAUKAT MIAN @ SAUKAT ANSARI SON OF LATE AJIJ MIAN R/O VILLAGE- BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
13. AFTAB MIAN @ GORA @ AFTAB SARI SON OF JABAR MIAN R/O VILLAGE- BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
14. SAHJADI KHATOON WIFE OF JABAR MIAN R/O VILLAGE-BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
15. JABAR MIAN SON OF BARKAT MIAN R/O VILLAGE- BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
16. HUSNE ARA WIFE OF SAUKAT MIAN R/O VILLAGE- BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
17. SHAKILA KHATOON @ SAKILA BANO WIFE OF SAFIK MIAN R/O VILLAGE- BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
18. RAM PRAVESH PASWAN SON OF DUKHI PASWAN R/O VILLAGE-BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA
19. KANTI DEVI WIFE OF RAM PRAVESH PASWAN R/O VILLAGE-BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA



20. RUKHIYA MIAN @ MD. RIYAZ SON OF SULEMAN MIAN R/O
VILLAGE- SONAUT, P.S.- MUFFASIL, DIST.- GAYA

... .. Appellant/s

Versus

1. The State of Bihar PATNA
2. SUBI KUMARI D/O SRI RAMJIWANT MANJHI R/O VILLAGE-
BAKRAUR, P.S.- BODH GAYA, DIST.- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prithivi Raj Singh, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, APP
For the Respondent No.2: Mr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-04-2025 Heard Mr. Prithivi Raj Singh, learned counsel for the

appellants, learned counsel for the Respondent No.2 as well as

Mrs. Usha Kumari 1, 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
10.08.2023 passed by the learned Court of Exclusive Special
Judge SC & ST, Gaya in connection with SC & ST P.S. Case
No. 46 of 2020, F.I.R. dated 10.11.2020 registered under
Sections 354, 447, 504, 34, 102(B) of the Indian Penal Code and
Sections 3(1)(r)(s)(w)(i), 3(2)(va) of the Scheduled Castes and
Scheduled Tribes Act.

3. According to the prosecution case, the informant
lives in the house of her maternal uncle and he had to make
boundary of his house. On 30.07.2020, the appellants arrived at



the door of the informant and protested to make boundary and abused her.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been 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 offences as alleged in the F.I.R. Appellant nos. 1,2,3,18 and 19 belongs to same caste and apart from that from bare perusal of the FIR it transpires that the allegation took place in the house of the informant which is not a public place, so no case is made out under SC/ST Act and there is no specific allegation against these appellants rather the allegation against these appellants are general and omnibus.

5. Learned Special Public Prosecutor for the State and learned counsel for Respondent No.2 vehemently opposed the prayer for bail of the appellants and submits that there is specific allegation against these appellants.

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, appellants have clean antecedent and there is no specific



allegation against the appellants and appellant nos. 1,2,3,18 and 19 are of same community, 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 Court of Exclusive Special Judge, SC & ST, Gaya in connection with SC & ST P.S. Case No. 46 of 2020, 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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