

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5256 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- SC/ST District- Purnia

Ritesh Yadav @ Golu @ Ritesh Kumar son of Siko Yadav @ Sikendra Yadav
Village- Manjhi Tola Amchura Ps- K.Nagar Dist- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Amarjeet Kumar Mahauli son of Manar Mahauli Village- Daini Bishanpur
Ps- K.Nagar Dist- Purnea

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramesh Kumar Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-05-2025 Heard Mr. Ramesh Kumar Singh, learned counsel

for the appellant as well as Mr. Binay Krishna, learned Special

Public Prosecutor for the State and learned counsel for the

respondent no. 2.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
06.10.2023 passed by the learned Court of Special Judge SC/ST
Act, Purnea in ABP No. 117 of 2023 in connection with SC/ST
P.S. Case No. 31 of 2023 F.I.R. dated 06.07.2023 registered
under Sections 392, 341 and 323 of the Indian Penal Code and
Sections 3 (i) (r) (s)/ 3 (2) (v-a) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act.



3. According to the prosecution case, the appellant over a petty dispute, assaulted the respondent no. 2 and also abused him by taking his caste name.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has 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 appellant has not committed any offences as alleged in the F.I.R. Apart from that it appears that there is no specific allegation of assault against this appellant rather there is general and omnibus allegation against all the accused persons including this appellant. The allegation is that the appellant along with other accused persons have assaulted the respondent and apart from that it appears from the F.I.R. that the appellant has not abused the respondent by the caste name, so no case is made out against the SC/ST Act.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the respondent no. 2 has vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the F.I.R. and it also appears that he assaulted the informant.

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 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 Special Judge SC/ST Act, Purnea in connection with SC/ST P.S. Case No. 31 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)

Jyoti Kumari/-

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