

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5323 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- SC/ST District- Lakhisarai

Prince Kumar @ Priyashu Kumar Son Of Bipin Yadav @ Vipin Yadav @
Bipin Kumar @ Vipin Kuamr R/O Mohalla- English, Ward No.3, P.S. And
District- Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Malti Devi Wife Of Birju Choudhary R/O Mohalla- English, Ward No.4,
P.S. And District- Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Anand, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-05-2025 Heard Mr. Shailesh Anand, learned counsel for the

appellants as well as learned counsel for the respondent no. 2

and Ms. Usha Kumari No. 1, learned Special Public Prosecutor

for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
11.10.2023 passed by the learned Court of Additional District
and Sessions Judge-I-cum-Special Judge, SC/ST Act, Lakhisarai
in ABP No. 888 of 2023 in connection with Lakhisarai P.S. Case
No. 45 of 2023, F.I.R. dated 16.06.2023 registered under
Sections 323, 337, 341, 379, 307, 504, 506 and 34 of the Indian
Penal Code and Sections 3 (i) (r) (s) & 3(2) (v-a) of the



Scheduled Castes and Scheduled Tribes (POA) Act.

3. According to the prosecution case, this appellant over a petty dispute, assaulted the respondent no. 2 and her family members and also abused them by taking their 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. Although the appellant is named in the F.I.R. but from perusal of the F.I.R., it appears that there is no specific allegation of assault or overact or abusing by caste name against this appellant. Specific allegation of assault is attributed against the co-accused person, namely, Bipin Yadav and it appears from the F.I.R. that the present occurrence took place in the house of the appellant, which is not a public place, so no case is made out against the SC/ST Act.

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 the appellant is named in the F.I.R.



and apart from that he has participated 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 Castes and Scheduled Tribes Act is made out.

7. Consider the aforesaid facts, the appellant has clean antecedent and the incident took place in the house of the appellant, which is not a public place, so case is made out against the appellant in the SC/ST Act, 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 sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Lakhisarai in connection with Lakhisarai P.S. Case No. 45 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/-

U		T	
---	--	---	--

