

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5287 of 2023

Arising Out of PS. Case No.-324 Year-2021 Thana- CHOUTARWA District- West
Champaran

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Vinod Shahi @ Binod Narayan Shahi Son Of Late Jata Shahi @ Late
Harendra Shahi R/O Village- Ahirwaliya, P.S- Chautarwa, Distt.- West
Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Budhan Paswan S/O Late Baijnath Paswan R/O Village- Barwat Pasraeen,
P.S- Muffasil Bettiah, Distt.- West Champaran. At Present Jeep Driver,
Constable No. 16, Chautarwa Police Station, P.S- Chautarwa, Distt.- West
Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Vijay Kr Singh No. 1, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-07-2025 Heard Mr. Vijay Kumar Singh No. 1, learned counsel

for the appellant as well as Mr. Sadanand Paswan, learned Special

Public Prosecutor for the State.

2. Informant is a Police Personnel and hence no notice
is required under the provisions of SC/ST Act to the Respondent
No. 2.

3. This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, against refusal of the prayer for anticipatory bail by order
dated 03.10.2023 in A.B.P. No. 2424 of 2023 passed by the learned
Additional District & Sessions Judge 1st cum Special Judge



(SC/ST), Bettiah, West Champaran in connection with Chautarwa P.S. Case No. 324 of 2021 registered under Sections 147, 148, 149, 341, 342, 447, 188, 323, 324, 307, 427, 436, 511, 323, 332, 333, 353, 354, 504 and 506 of the Indian Penal Code and Sections 3(i) (r)(s)(w), 3(2)(v)a of SC/ST (Prevention of Atrocities) Act and Section 3 of Epidemic Act.

4. According to the prosecution case, the appellant has made chaos and damaged the public property.

5. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely 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 offence 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 any assault or overt act attributed against the appellant rather there is general and omnibus allegation against all the accused persons including the appellant and apart from that no provision of the SC/St Act attracts against the appellant. He further submits that similarly situated co-accused persons namely Monu Shahi @ Monu Kumar and twenty others have been granted the privilege of anticipatory bail by this Court vide order dated 01.07.2025 passed in Cr. Appeal (SJ) No. 1309 of 2024.



6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory bail of the appellant and submits that the appellant along with other co-accused persons have assaulted the police personnel and damaged the Government property and apart from that the appellant carries one more case of similar nature other than the present one.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Casts and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstance of the case as well as similarly situated co-accused persons have been granted the privilege of anticipatory bail, let the appellant, above named, in the event of his arrest or 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 & Sessions Judge 1st cum Special Judge (SC/ST), Bettiah, West Champaran in connection with Chautarwa P.S. Case No. 324 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-

(1) 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.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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.

9. Accordingly, the impugned order dated 03.10.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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