

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5269 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- SC/ST District- Vaishali

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UMESH DAS SON OF SARYUG DAS R/O VILLAGE- BEGAMPATTI,
P.S.- GORAUL (KATHARA O.P.), DIST.- VAISHALI

... .. Appellant/s

Versus

1. The State of Bihar
2. ASHARFI RAM SONOF RAMASHISH RAM R/O VILLAGE-
BEGAMPATTI, P.S.- GORAUL (KATHARA O.P.), DIST.- VAISHALI

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Devendra Kumar, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2025 Heard Mr. Devendra Kumar, learned counsel for the

appellant as well as Mr. Binay Krishna, learned Spl.P.P. for the

State.

2. Learned Spl.PP has informed the Respondent No.2
through SHO, Vaishali about the present case, despite that no
one appeared on behalf of Respondent No.2.

3. 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 Court
(SC/ST Act), Vaishali at Hajipur in ABP No. 2463/2023 arising
out of SC/ST P.S. Case No. 22 of 2023, F.I.R. dated 21.05.2023
registered under Sections 147, 148, 149, 341, 323, 380, 447,



448, 354, 324, 307, 427, 385, 504, 506 of the Indian Penal Code and Sections 3(1)(s), 3(1)(r), 3(1)(w), 2(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that, the appellant along with other accused persons came at his house and abused the informant and his family members and also assaulted them by means of *danda*, fist and slap. When his wife and daughter-in-law came to rescue, the accused persons tried to outrage their modesty. It is further alleged that the accused persons destroyed the ancestral property of the informant worth Rs.50,000/- and took away ornaments and cloths worth Rs.1 Lac.

5. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. From bare perusal of the FIR it transpires that the allegation against the appellant is that the appellant along with 15 other FIR named accused persons came to the house of the informant and abused him. He further submits that the present occurrence took place inside the house of the informant which is not a public place so case is made out of SC/ST Act and apart from that there is no specific allegation against the appellant rather there is specific allegation against co-accused person,



namely, Md. Riyajul Miyan. He further submits that similarly situated co-accused persons, namely, Sonu Kumar Sah in Cr. App(SJ) No. 3344 of 2023 vide order dated 23.02.2024 and Md. Reyajul in Cr. App(SJ) No. 3561 of 2023 vide order dated 23.02.2024 have been granted the privilege of anticipatory bail by co-ordinate bench of this Court.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant and submits that the appellant carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that he is on bail in the pending matter.

7. 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.

8. Considering the aforesaid facts and circumstances, there is no specific allegation against the appellant and similarly situated co-accused persons have been granted the privilege of anticipatory bail by co-ordinate bench of this Court, 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 Court (SC/ST Act), Vaishali at Hajipur in ABP No. 2463/2023 arising out of SC/ST P.S. Case No. 22 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.

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

(Rajesh Kumar Verma, J)

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