

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5415 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- CHAUTHAM District- Khagaria

Anand Thakur @ Khushi Thakur Son Of Arvind Thakur Resident Of Village-
Kaithi, Naya Tola, Ps- Chautham, Distt- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Bindu Ram Son Of Kamli Ram Resident Of Village- Jaiprabha Nagar, Ps-
Chautham, Distt- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-07-2025 Heard Mr. Ranjeet Kumar Singh, learned counsel for
the appellant and Ms. Usha Kumari-I, learned Special Public
Prosecutor for the State.

2. Despite of valid service of notice upon respondent
no. 2 no one appeared on behalf of the respondent no. 2.

3. 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 Additional Sessions Judge-I-
cum-Special Judge SC/ST Act, Khagaria in ABP No. 33 of 2023
in connection with Chautham P.S. Case No. 119 of 2023, F.I.R.
dated 19.04.2023 registered under Sections 341, 323, 308, 379,
504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r)



(s) of the Scheduled Castes and Scheduled Tribes Act.

4. 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.

5. 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. He further submits that it appears from the F.I.R that although the appellant is named in the F.I.R but there is no specific allegation of any assault or over act or abusing by caste name against this appellant rather there is general and omnibus allegation against all the accused persons including this appellant.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

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, the appellant has clean antecedent and there is no specific allegation of any



assault or over act or abusing by caste name against this appellant, 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 Additional Sessions Judge-I-cum-Special Judge SC/ST Act, Khagaria in connection with Chautham P.S. Case No. 119 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)

Jyoti Kumari/-

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

