

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5472 of 2023

Arising Out of PS. Case No.-851 Year-2023 Thana- SHERGHATI District- Gaya

-
1. DHARESH YADAV @ DHARESH KUMAR SON OF LATE RAM BARAN YADAV R/O VILLAGE- KOSMA, P.S.- DOBHI, DISTRICT- GAYA
 2. RINKI DEVI @ RINKU DEVI WIFE OF MUNNA YADAV R/O VILLAGE- KOSMA, P.S.- DOBHI, DISTRICT- GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. BASANTI DEVI WIFE OF SIKANDAR BHUIYAN R/O VILLAGE- KOSMA, P.S.- DOBHI, DISTRICT- GAYA GARHIJAM TOLA, KENDUADIH, P.S.- DOBHI, DISTRICT- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivendra Prasad, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-06-2025 Heard Mr. Shivendra Prasad, learned counsel for the appellants as well as Mrs. Usha Kumari 1, learned Spl.P.P. for the State.

2. Learned Spl.PP has informed this Court that she has informed the Informant (Respondent No.2) about the present case through Senior Superintendent of Police, Gaya on 11.08.2025, 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



09.10.2023 passed by the learned Court of Exclusive Special Judge SC/ST Special Court Gaya in connection with Sherghati (Dobhi) P.S. Case No. 851 of 2023, F.I.R. dated 01.08.2023 registered under Sections 341, 323, 325, 504, 506, 34 of the Indian Penal Code and Sections 3(i),(r),(s)/3(2),(v-a) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the petitioner along with other accused persons assaulted the informant and her husband and abused them by caste name.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case and the present case is counter blast of Sherghati (Dobhi) P.S. Case No. 795 of 2023 lodged by the appellant no.2 against the informant and her family members. From bare perusal of the FIR it appears that although the appellants are named in the FIR but there no specific allegation of assault or abusing by caste name against these appellants rather specific allegation of assault is attributed against co-accused person, namely, Munna Yadav.

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

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 fact and circumstances, the appellants have clean antecedent and there is no specific allegation of assault or abusing in the name of caste against the appellants and the present case is counter blast of Sherghati (Dobhi) P.S. Case No. 795 of 2023 lodged by the appellant no.2, let the appellants, above named, in the event of their 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 Court of Exclusive Special Judge SC/ST Special Court Gaya in connection with Sherghati (Dobhi) P.S. Case No. 851 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. Appellants 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 their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants 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 appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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)

Suruchi/-

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

