

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5449 of 2023

Arising Out of PS. Case No.-172 Year-2023 Thana- MAHKAR District- Gaya

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1. Niranjan Kumar Son Of Jalendra Yadav @ Javendra Yadav Resident Of Village- Pirbigha, P.S.- Mahkar, District- Gaya.
 2. Jalendra Yadav @ Javendra Yadav Son Of Ramashish Yadav Resident Of Village- Pirbigha, P.S.- Mahkar, District- Gaya.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ranjana Devi Wife Of Rajesh Paswan Resident Of Village- Karhra, P.S.- Mahkar, District-Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-05-2025 Heard Mr. Ashok Kumar, learned counsel for the appellants and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. Despite of interappearance through the Vakalatnama, 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 16.10.2023 passed by the learned Exclusive Special Judge, SC/ST, Spl Court, Gaya in ABP No. 349 of 2023 in connection with Mahkar P.S. Case No. 172 of 2023, F.I.R. dated 03.08.2023



registered under Sections 341, 323, 354, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) (w), 3(2) (v-a) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, all these appellants over a petty dispute, assaulted the son of the respondent no. 2 and her family members and also abused them by taking their caste name.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have 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 appellants have not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the appellants are named in the F.I.R. and there is specific allegation these appellants that they have assaulted the son of the informant. Although, the son of the informant received injury but the injury report of the injured person suggests that the injury sustained is simple in nature and it also appears from the F.I.R., that the informant has filed a false case against the appellants and the appellants have not abused the informant by her caste name.

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 facts, the appellants have clean antecedent and injury inflicted upon the injured person is simple in nature and the appellants have not abused the informant by her caste name, 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 Exclusive Special Judge, SC/ST, Spl Court, Gaya in connection with Mahkar P.S. Case No. 172 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.

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

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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