

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5635 of 2023

Arising Out of PS. Case No.-273 Year-2023 Thana- RAJAON District- Banka

Chandan Kumar @ Chandan Poddar Son Of Murat Poddar @ Murat Lal
Poddar R/O Village- Suvkha, P.S.- Rajaun, District- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Saryug Das Son Of Late Mehdi Das R/O Village- Lilatari, P.S.- Rajaun,
Dist.- Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhananjay Pandey, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-06-2025 Heard Mr. Dhananjay Pandey, learned counsel for
the appellant, Mr. 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
25.09.2023 passed by the learned Additional Sessions Judge-I-
cum-Special Judge SC/ST Act, Banka in ABP No. 1299 of 2023
in connection with Rajoun P.S. Case No. 273 of 2023, F.I.R.
dated 04.06.2023 registered under Sections 341, 323, 307, 504
and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the



Scheduled Castes and Scheduled Tribes (POA) Act.

4. According to the prosecution case, the appellant and other accused persons came to the house of the respondent no. 2 and started to assault and abuse him and his wife.

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 the date of occurrence is 16.05.2023 but the present F.I.R has been instituted on 04.06.2023 i.e., after delay of about twenty days without giving any explanation of the said delay which suggests that the informant has filed the present F.I.R. afterthought and only to falsely implicate the appellant. Apart from that it appears from the F.I.R. itself that there is no specific allegation of assault against the appellant rather there is general and omnibus allegation against all the accused persons including this appellant and the alleged occurrence has taken place in the house of the informant, so no case is made out under the provision of the SC/ST Act.

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, there is no specific allegation or any over act against the appellant and the alleged took place at the house of the informant, 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, Banka in connection with Rajoun P.S. Case No. 273 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/-

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