

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5485 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- SC/ST District- Khagaria

Binay Kumar @ Binay Kumar Jha @ Bijay Kumar @ Binay Kumar Ajay Son
of Late Uday Kant Jha Resident of Village- Naya Bazar, PWD Basti, Ward
No. 9 Khara District- Saharsa, Present Address machali bhawan, Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Dr. Krishan Kumar Son of Ram Shewak Ram Resident of Village
Gangasagar PO Lalbag Police Station Lahariasarai, District- Darbhanga,
Presently posted at Incharge Medical Officer, PHC, Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Parmatma Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP
For the Resp. No.2	:	Mr. Anjani Parashar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 06-05-2025 Heard Mr. Parmatma Singh, learned counsel for the

appellant, Mr. Anjani Parashar, learned counsel for Respondent

No.2 as well as Mr. Binay Krishna, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
05.10.2023 passed by the learned Court of Additional Session
Judge 1st cum Special Judge SC/ST Act, Khagaria in connection
with Scheduled Cast and Scheduled Tribes P.S. Case No. 18 of
2023, F.I.R. dated 23.05.2023 registered under Sections 341,
323, 385, 504 and 506 of the Indian Penal Code and Sections
3(1)(r)(s)/ 3(2)(va) of the Scheduled Castes and Scheduled



Tribes Act.

3. According to the prosecution case, the informant alleged that when he was going to Civil Surgeon Office, the appellant came to meet him and pulled the informant's hand and took him to the side of the wall and asked that why don't informant manages despite publication of news of his personal life and asked the informant to pay Rs.1,00,000/- and he will settle all the issues. It is further alleged that the appellant on many occasions demanded money from the informant and the appellant also made comments on social media against the informant and violated his honour and dignity due to which dispute has arose in his married life.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. He further submits that the appellant is a journalist in the Hindi Daily (Prabhat Khabar) and is posted at Khagaria and he has published a news item on 02.02.2023 against the informant and the informant in return filed the present case against the appellant and from bare perusal of the FIR, it appears that the occurrence took place in a lonely place which is not a public place, so no offence under the provisions of SC/ST Act is made out and apart from that pursuant to the news



publication on 02.02.2023, the informant was transferred from Khagaria to Barh and the wife of the informant has also filed a case against the informant bearing Digba P.S Case No.39 of 2023 and it appears from the FIR that there is delay in lodging the present First Information Report inasmuch as the occurrence has taken place on 06.05.2023 and the First Information Report has been lodged on 23.05.2023 i.e. after 17 days without giving any reason for delay.

5. Learned Special Public Prosecutor for the State and learned counsel for the Respondent No.2 have vehemently opposed the prayer for bail of the appellant and submits that appellant carries two criminal antecedents of similar nature 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 matters.

6. 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 .

7. Considering the facts and circumstances, there is delay of 17 days in lodging the FIR and no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out, 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 Court of Additional Session Judge 1st cum Special Judge SC/ST Act, Khagaria in connection with Scheduled Cast and Scheduled Tribes P.S. Case No. 18 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.

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

(Rajesh Kumar Verma, J)

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