

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5531 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- BIKRAMGANJ District- Rohtas

Rakesh Kumar SON OF SHIVJEE SINGH @ SHIVJEE SINGH YADAV
R/O VILLAGE/MOHALLA- WARD NO. 26, P.S.- BIKRAMGANJ, DIST.-
ROHTAS

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. KRISHNA KUMAR SON OF JAWAHAR PASWAN R/O VILLAGE AND
MOHALLA- WARD NO. 26, BIKRAMGANJ, P.S.- BIKRAMGANJ,
DIST.- ROHTAS

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dhaneshwar Prasad Gupta, Advocate
For the Resp.No.2	:	Mr. Vivek Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 01-07-2025 Heard Mr. Dhaneshwar Prasad Gupta, learned
counsel for the appellant, Mr. Vivek Kumar, learned counsel for
the Respondent No.2 as well as Mr. Sadanand Paswan, 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
04.11.2023 passed by the learned Court of A.D.J. XVII-cum-
Exclusive Special Judge SC/ST, Rohtas at Sasaram in
connection with Bikramganj P.S. Case No. 311 of 2023, F.I.R.
dated 17.06.2023 registered under Sections 147, 149, 341, 323,
307, 504, 506 of the Indian Penal Code and Sections 3 (i) (r) (s)



of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that on 17.06.2023 at 7:30 P.M, when he was sitting on his door, the appellant along with other co-accused persons arrived and started assaulting him. It is further alleged that the accused persons entered the house of the informant and assaulted his father, mother and sister.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. The present case is counter blast of Bikramganj P.S. Case No.310 of 2023 filed by the co-accused Sanjeev Kumar against the informant and other co-accused persons and it appears from the FIR that although the appellant is named in the FIR but it appears that there is no specific allegation of assault or overt act against him rather the allegation levelled against him is general and omnibus.

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 is named in the FIR and he along with other co-accused persons have assaulted the informant and abused him by caste name.



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 aforesaid facts and circumstances, appellants have clean antecedent and there is no specific allegation of assault or overt act against him rather the allegation levelled against him is general and omnibus, 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 A.D.J. XVII-cum-Exclusive Special Judge SC/ST, Rohtas at Sasaram in connection with Bikramganj P.S. Case No. 311 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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