

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5558 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- CHAKIA District- East Champaran

Mukesh Kumar Yadav Son of Shambhu Rai @ Shambhu Prasad Yadav
Resident of Village- Siswa Basant P.S.- Kalyanpur, District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sabita Devi wife of Jitendra Paswan Resident of Village - parari, P.S.-
Chakia, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP
For the Respondent No.2:	:	Mr. Dhurendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-05-2025 Heard Mr. Abhishek Kumar, learned counsel for the

appellant, Mr. Dhurendra Kumar, learned counsel for the

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
19.10.2023 passed by the learned Special Judge, SC/ST (POA)
Act, East Champaran, Motihari in connection with Chakia P.S.
Case No. 52 of 2023, F.I.R. dated 09.02.2023 registered under
Sections 341, 354(B), 504, 509, 34 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 when her daughter was coming out from examination center after giving her intermediate examination, the appellant along with other accused persons attempted to take her inside their car with ill motive. When the other examine and parents intervened, the appellant along with other accused persons fled away abusing the informant and her daughter.

4. 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 during the course of driving the car, body of the informant was touched by the car and therefore informant became angry and lodged this false case and apart from that it appears from FIR itself that there is no specific allegation of abusing by caste name against the appellant rather the allegation levelled against all the accused persons including the appellant 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.

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, appellant has clean antecedent and there is no specific allegation of abusing by caste name against the appellant, 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 Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with Chakia P.S. Case No. 52 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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