

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5543 of 2023

Arising Out of PS. Case No.-368 Year-2023 Thana- BIKRAM District- Patna

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Satish Sharma S/o Baikunth Sharma Resident of Village- Sangarpur, P.S.-
Bikram, District- patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Shila Kumari @ Shila Devi W/o Vikash Kumar Resident of Village-
Sangarpur, P.S.- Bikram, District- patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.PP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-05-2025 Heard Mr. Pramod Kumar, learned counsel for the

appellant as well as Mr. Binay Krishna, learned Spl.P.P. for the

State.

2. Despite entered appearance through the
Vakalatnama, no one appeared on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
02.11.2023 passed by the learned Exclusive Special Court,
SC/ST Act, Patna in A.B.P. No. 9853 of 2023 arising out of
Bikram P.S. Case No. 368 of 2023, F.I.R. dated 25.08.2023
registered under Sections 341, 323, 379, 452, 504 and 506/ 34
of the Indian Penal Code and Sections 3(1)(r)(s), 3(2)(va), 3(1)



(2a)(c) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that the appellant along with other accused persons arrived at her house and assaulted her family members and abused them by taking their caste name.

5. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. It appears from FIR itself that there is no specific allegation of assault or overt act against this appellant rather the allegation levelled against all the accused persons including this appellant is general and omnibus and apart from that the occurrence took place in the house of the informant which is not a public place so no offence under SC/ST Act is made out.

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 and circumstances, appellant has clean antecedent and there is no specific allegation against the appellant and the occurrence took place in the house



of the informant, so no offence under SC/ST 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 Exclusive Special Court, SC/ST Act, Patna in A.B.P. No. 9853 of 2023 arising out of Bikram P.S. Case No. 368 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)

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