

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5631 of 2023

Arising Out of PS. Case No.-323 Year-2023 Thana- UCHKAGAON District- Gopalganj

Neeraj Kumar Son Of Binod Prasad @ Binod Mahato Resident Of Village -
Dahibhatta, Police Station - Uchkagaon, District - Gopalganj

... .. Appellant/s

Versus

1. The State Of Bihar
2. Ramesh Baitha Son Of Late Ambika Baitha Resident Of Village -
Dahibhatta, Police Station - Uchkagaon, District - Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar Singh, Advocate
For the State : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 06-05-2025 Heard Mr. Umesh Kumar Singh, learned counsel for

the appellant as well as Mr. Sadanand Paswan, learned Special

Public Prosecutor for the State.

2. Despite of valid service of notice upon
Respondent No. 2/Informant, no one appears on behalf of
Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for anticipatory bail
by order dated 10.10.2023 in A.B.P. No. 2693 of 2023 passed by
the learned Additional Sessions Judge, XI-cum-Exclusive
Special Judge, under SC/ST Act, Gopalganj in connection with



Uchkagaon P.S. Case No. 323 of 2023 registered under Sections 341, 323, 504, 379 and 34 of the Indian Penal Code and Sections 3(i) (r)(s) of SC/ST (Prevention of Atrocities) Act, 1989.

4. Allegation against the appellant is that he along with other co-accused persons having lathi and danda came at the door of the informant and by hurling abuse by calling his caste name and assaulted the informant and his son with lathi and danda due to which they sustained injuries.

5. Learned counsel for the appellant submits that the appellant has clean antecedent and he has been falsely implicated in the present case. He further submits that the date of occurrence as alleged in the F.I.R. is 27.07.2023 but the present F.I.R. was instituted after delay of about eight days without giving any explanation of delay only falsely implicate the petitioner. Although, the petitioner is named in the F.I.R. but from perusal of the F.I.R. it appears that the occurrence had taken place in the house of the informant which is not the public place and hence no case is made out under SC/ST Act and apart from that it appears from the F.I.R. that there is no specific allegation of any assault or overt act attributed against the appellant rather there is general and omnibus allegation against



all the accused persons including the appellant.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory 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 Casts and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and the fact that the petitioner having clean antecedent and the occurrence had taken place in the house of the informant which is not the public place and there is no specific allegation of any assault or overt act attributed against the appellant, let the appellant, above named, in the event of his arrest or 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 sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge XI cum Exclusive Special Judge, SC/ST, Gopalganj in connection with Uchkagaon P.S. Case No. 323 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-



(1) 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.

(2) If the appellant tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 dated 10.10.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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