

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5574 of 2024

Arising Out of PS. Case No.-256 Year-2024 Thana- RANIGANJ District- Araria

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1. Pappu Sharma S/O Bijendra Sharma Resident of village- Gharbandha ward no.- 10, Police Station- Raniganj, District- Araria
 2. Bijendra Sharma @ Vijender Sharma S/O Domi Sharma Resident of village- Gharbandha ward no.- 10, Police Station- Raniganj, District- Araria

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. Nirmal Paswan S/O Late Ramdeo Paswan Resident of village- Gharbandha ward no.- 10, Police Station- Raniganj, District- Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Rana, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-07-2025 Heard Mr. Mukesh Kumar Rana, learned counsel for the appellants as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. Despite valid service of notice upon respondent No.2, no one appears 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 14.11.2024 passed by the learned Court of 1st Additional Sessions Judge cum Special Judge, Araria in connection with Raniganj P.S. Case No.256 of 2024, F.I.R. dated 06.06.2024 registered under Sections 341, 323, 324, 354, 379, 504, 506 of the Indian Penal Code and Sections 3(i) (r), 3(i) (s), 3(2) (va) of



the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, on 05.06.2024 at around 8 PM, informant Nirmal Paswan was at home when Pappu Sharma and others tried to take away his daughter Pushpa Kumari. When his son Nitish objected, the accused abused and attacked the family with lathis, dandas, and a dabiya, injuring the informant on the head. They also assaulted his son, daughter, and wife, snatched jewelry, damaged household items, and stole Rs.37,000/- in cash.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. It appears from the F.I.R. that the occurrence, as alleged in the F.I.R., is said to have been taken place in the house of the informant, hence, no case is made out against the appellants under the provisions of SC/ST Act. Apart from that, although the appellants are named in the F.I.R. but from a bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt act attributed against the appellants rather the specific allegation of assault is attributed against appellant No.2, namely, Bijendra Sharma, that he assaulted to the informant but the injury report of the informant suggests that he has received the injury but the injury



is simple in nature caused by hard and blunt substance.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.

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, the appellants have clean antecedent, the occurrence has taken place in the house of the informant, hence, no case is made out against the appellants under the SC/ST Act and the injury inflicted by the appellants upon the informant is simple in nature, let the appellants, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Court of 1st Additional Sessions Judge cum Special Judge, Araria in connection with Raniganj P.S. Case No.256 of 2024, 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. Appellants 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 appellants tamper 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 appellants and in case at any stage it is found that the appellants have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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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