

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5590 of 2023

Arising Out of PS. Case No.-469 Year-2023 Thana- BELAGANJ District- Gaya

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1. Mahesh Yadav S/O Late Gumani Yadav VILLAGE- BULAK BIGHA, PS. BELAGANJ, DIST. GAYA
 2. DEVI LAL YADAV @ DEVILAL S/O LATE KAMLA YADAV VILLAGE- BULAK BIGHA, PS. BELAGANJ, DIST. GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. LAKSHMI KUMARI W/O BHOLA PASWAN VILLAGE- BULAK BIGHA, P.O.- BELHARI, PS. BELAGANJ, DIST. GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-06-2025 Heard Mr. Ashok Kumar Sinha, learned counsel for the appellants as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. Learned Spl.PP has informed this Court that she has informed the Informant (Respondent No.2) about the present case through Superintendent of Police, Belaganj on 12.05.2025, despite that 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 31.10.2023 passed by the learned Court of Exclusive Special Judge (SC/ST), Special Court, Gaya in A.B.P No. 365 of 2023 arising out of Belaganj P.S. Case No. 469 of 2023, F.I.R. dated



18.07.2023 registered under Sections 341, 323, 504, 506, 354, 379/34 of the Indian Penal Code and Sections 3(I)(r)(s/(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that on 18.07.2023, when she was sitting near the door of her house then the appellants along with other accused persons arrived and started abusing her by her caste name and when her cousin father-in-law came to rescue her then they assaulted him on head with but of rifle and when her *gotni* came to rescue, they snatched golden chain from her neck worth of Rs. 30,000/-.

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 FIR that although the appellants are named in the FIR but there is no specific allegation of assault or overt act or abusing by caste name is against the appellants rather specific allegation of assault is against co-accused, namely, Indarjeet Kumar. He further submits that there is delay in lodging the present First Information Report inasmuch as the occurrence has taken place on 15.07.2023 and the First Information Report has been lodged on 18.07.2023 i.e. after 3 days without giving reason of delay and apart from that the occurrence took place in the house of the informant which is not a public place, so no case is made out under SC/ST Act.



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 and there is no specific allegation of assault or overt act or abusing in the name of caste against the appellants and the occurrence took place in the house of the informant which is not a public place, so no case is made out under SC/ST Act, 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) with two surities of the like amount each to the satisfaction of learned Court of Exclusive Special Judge (SC/ST), Special Court, Gaya in connection with Belaganj P.S. Case No. 469 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. 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants 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 appellants and in case at any stage it is found that the appellants have concealed their 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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