

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5611 of 2023

Arising Out of PS. Case No.-133 Year-2023 Thana- GAIGHAT District- Muzaffarpur

AMIT KUMAR SINGH @ AMIT KUMAR SON OF ASHOK KUMAR
SINGH Resident of Village - Baghakhal, Police Station - Gaighat, District -
Muzaffarpur, Mob. No. 9934812317

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAJKISHORE RAJAK SON OF ASHAERFI RAJAK Resident of Village -
Boaridih, Police Station - Gaighat, District - Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar @ S.K., Advocate
For the Resp.No.2	:	Mr. Raju Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 17-06-2025 Heard Mr. Sanjay Kumar @ S.K., learned counsel
for the appellant, Mr. Raju 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
17.10.2023 passed by the learned Court of Special Judge,
SC/ST(PoA) Act, Muzaffarpur in connection with Gaighat P.S.
Case No. 133 of 2023, F.I.R. dated 02.04. 2023 registered under
Sections 341, 323, 504, 506 of the Indian Penal Code and Sections
3(1)(r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant



alleged that he was assaulted and abused by caste name by the appellant and other accused persons due to false allegation of stealing Rs. 50,000/- from the house of Jagdish Kaper.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. It appears from the FIR itself that the occurrence took place in the house of the appellant which is not a public place, so no case is made out under SC/ST Act and apart from that there is no specific allegation of assault or overt act or abusing by caste name against the appellant rather the allegation levelled against the appellant is general and omnibus that they assaulted the informant and apart from that the injury report of the informant suggest that the injury is simple in nature caused by hard and blunt substance.

5. Learned Special Public Prosecutor for the State and learned counsel for Respondent No.2 have vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the FIR.

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 and the fact that appellant has clean antecedent 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 and there is no specific allegation against the appellant and injury inflicted upon the injured person is simple in nature, 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 Court of Special Judge, SC/ST(PoA) Act, Muzaffarpur in connection with Gaighat P.S. Case No. 133 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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