

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5613 of 2023

Arising Out of PS. Case No.-438 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

DEEPAK RAI @ DEEPAK KUMAR RAI SON OF SUNIL KUMAR RAI @
SUNIL RAI RESIDENT OF VILLAGE - PULIYA, P.S. - BUXAR
INDUSTRIAL, DISTRICT - BUXAR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. DINESH KUMAR SON OF SUDAMA RAM RESIDENT OF VILLAGE -
PULIYA, P.S. - BUXAR INDUSTRIAL, DISTRICT - BUXAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Shankar Pathak, Advocate
for the Resp. No.2	:	Mr. Manish Rai Sharma, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 17-06-2025 Heard Mr. Ravi Shankar Pathak, learned counsel for

the appellant, Mr. Manish Rai Sharma, learned counsel for

Respondent No.2 as well as Mr. Sadanand Paswan, 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
22.11.2023 passed by the learned Court of Additional Sessions
Judge-1-cum-Special Judge SC/ST Act, Buxar in A.B.P. No.
1608 of 2023 arising out of Buxar (M) P.S. Case No. 438 of
2023, F.I.R. dated 09.10.2023 registered under Sections 341,
323, 379, 504,506/34 of the Indian Penal Code and Sections 3(i)
(r)(s) and 3(2)(va) of the Scheduled Castes and Scheduled



Tribes Act.

3. According to the prosecution case, the informant alleged that the appellant along with other accused persons came at the house of the informant and started abusing by his caste name and made firing and thereafter threatened him of dire consequences.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellant has not committed any offences as alleged in the F.I.R and there is case and counter case between the parties and police after investigation has found that the allegation of firing is false and apart from that it appears from the FIR that the occurrence took place at the house of informant which is not a public place, so no case is made out under SC/ST Act.

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.

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, appellant has clean antecedent and the occurrence took place at the house of informant which is not a public place, so no case is made out under SC/ST Act, 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 Additional Sessions Judge-1-cum-Special Judge SC/ST Act, Buxar in connection with Buxar (M) P.S. Case No. 438 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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