

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5649 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- DIDARGANJ District- Patna

Chhotu Kumar Son Of Lakshman Singh @ Lakshman Ray Resident Of
Village- Nijampur, P.S- Didarganj, Distt- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramesh Ram Son Of Ramanand Ram Resident Of Village- Kasara, P.S-
Didarganj, Dist- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Harish Kumar, Advocate
For the State : Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-05-2025 Heard Mr. Harish Kumar, learned counsel for the

appellant as well as Mrs. Usha Kumari-1, 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 01.11.2023 in A.B.P. No. 8518 of 2023 passed by

the learned Exclusive Special Judge SC/ST, Patna in connection

with Didarganj P.S. Case No. 60 of 2023 registered under



Sections 342, 352, 323, 504, 34 of the Indian Penal Code and Sections 3(i) (r)(s) of SC/ST (Prevention of Atrocities) Act.

4. Allegation against the appellant is that he along with other co-accused persons started by taking his caste name and took away the informant from his house into the forest where they started assaulting with katta, lathi, and bricks as a result of which informant received 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 it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. is 12.02.2023 but the present F.I.R. was instituted on 16.02.2023 after delay of four days without giving any explanation of delay and apart from that all the sections are bailable except the SC/ST Act and from perusal of the F.I.R. allegation took place in the house of the informant which is not a public place and hence no case is made out against the appellant under SC/ST Act. Although, there is specific allegation against the appellant that he along with other co-accused person have assaulted the informant but there is no injury report on record which suggests that the informant has received any injury.



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 that the appellant having clean antecedent and the F.I.R. was instituted after delay of four days and the allegation took place in the house of the informant and hence no case is made out under SC/ST Act, 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 Exclusive Special Judge, SC/ST, Patna in connection with Didarganj P.S. Case No. 60 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 01.11.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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