

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5719 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- SC/ST District- Kishanganj

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Sirajuddin @ Siradin @ Md. Sirajuddin S/O Late Fakir R/O Jagirgachh, Ward No.-10, P.O- Koimari, P.S- Pothia, Distt.- Kishanganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sablu Rai S/O Ramlal Harijan R/O Jagirgachh, P.S- Pothia, Distt.- Kishanganj.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Vishal Saurabh, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 05-08-2025 Heard Mr.Vishal Saurabh, learned counsel for the appellant, learned counsel for respondent No.2 and Mr.Binay Krishna, learned Spl.P.P. for the State.

2. 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 18.11.2024 passed in Kishanganj (SC/ST) P.S.Case No.15 of 2024, FIR dated 10.07.2024, passed by the learned Additional Sessions Judge-1st-cum-Special Judge, Kishanganj in connection with Kishanganj (SC/ST) P.S.Case No.15 of 2024, registered under Sections 126(2), 115(2),118(1),352,3(5) of the Bhartiya Nyaya Sanhita as well as



under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. Allegation against the appellant in nutshell is that he assaulted and abused the informant with caste related remarks.

4. Learned counsel for the appellant submits that the appellant has clean antecedent. The allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the FIR. Further submits that it appears from the FIR that the FIR is in two parts. In first part, there is general and omnibus allegation against all the accused persons including the appellant and in the second part, there is specific allegation against the appellant that he has assaulted to the informant by means of iron rod due to which the informant has received the head injury. Learned counsel for the appellant submits that although the informant has received the injury but the injury report of the informant suggests that the injury is simple in nature.

5. The learned counsel for respondent No.2 as well as learned Spl. P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the appellant and submits that it appears from the FIR that there is



very serious allegation against the appellant and other co-accused persons apart from that, there is specific allegation against the appellant that he has assaulted to the informant by means of iron rod and he has received the injury. Learned Spl. P.P for the State fairly submits that although the informant has received the injury but from a bare perusal of the injury report of the informant which suggests that the injury is simple in nature.

6. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

7. Considering the aforesaid facts, 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 Additional Sessions Judge-1st-cum-Special Judge, Kishanganj in connection with Kishanganj (SC/ST) P.S.Case No.15 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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/her absence on two consecutive dates without sufficient reason, his/her 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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