

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.113 of 2024

Arising Out of PS. Case No.-137 Year-2023 Thana- BAKHTIYARPUR District- Patna

1. Sundram Kumar Son Of Prem Nath Singh Resident Of Village - Rawaich, P.S. - Bakhtiyarpur, District - Patna
2. Deepak Kumar Son Of Srikant Singh Resident Of Village - Rawaich, P.S. - Bakhtiyarpur, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Laxman Paswan @ Pukiya Son Of Dwarika Paswan Resident Of Sangat Per, Ward No.5, P.S. - Bakhtiyarpur, District - Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Niranjana Prasad Singh, Advocate
For the State : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-07-2025 Heard Mr. Niranjana Prasad Singh, learned counsel

for the appellants as well as Mr. Binay Krishna, 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 04.10.2023 in A.B.P. No. 8970 of 2023, passed

by the learned Exclusive Special Court, SC & ST Act, Patna in



connection with Bakhtiyarpur P.S. Case No. 137 of 2023 F.I.R. dated 02.04.2023 registered under Sections 341, 323, 379, 504, 506, 307, 34 of the Indian Penal Code and Sections 3(i) (r)(s) 3(2) (va) of SC/ST Act.

4. Prosecution case, in brief, is that on 02.04.2023 while informant's niece Suhani Kumari was playing, in the meantime other co-accused persons came there and started abusing by taking caste name and also assaulted the informant with an intention to kill and also snatched Rs. 2,000/- from his pocket.

5. Learned counsel for the appellants submits that the appellants have clean antecedents and they have been falsely implicated in the present case. From perusal of the F.I.R., it appears that the appellants are not named in the F.I.R. and the name of the appellants have been transpired on the basis of restatement of the informant which was recorded in paragraph-6 of the case diary which suggests that the appellants are also involved in the present crime in question. He further submits that from perusal of paragraph-6 of the case diary which suggests that the informant has falsely implicated the appellants in the present case afterthought only to harass the appellants and apart from that there is no specific allegation against the



appellants rather there is general and omnibus allegation against all the accused persons including these appellants in the restatement of the informant.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for anticipatory 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 Casts and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts and circumstances of the case, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court SC/ST Act, Patna in connection with Bakhtiyarpur P.S. Case No. 137 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) 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 bonds shall be cancelled by the Court below.

(2) If the appellants tamper 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 appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedents, 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 dated 04.10.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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