

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.585 of 2026

Arising Out of PS. Case No.-210 Year-2023 Thana- TARARI District- Bhojpur

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1. Dhiraj Kumar S/O Shashi Singhh Resident of Village- Maheshdih, P.S- Tarari, District- Bhojpur at Ara.
 2. Saurabh Singh S/O Samaldev Singh Resident of Village- Maheshdih, P.S- Tarari, District- Bhojpur at Ara.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Santara Devi W/O Vakil Paswan R/O Village- Karath, P.S- Tarari, Distt.- Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shashank Shekhar, Advocate
For the Resp. No. 2	:	Mr. Shiv Prasad Gupta, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 09-07-2026 Heard Mr. Shashank Shekhar, learned counsel for the appellants, Mr. Shiv Prasad Gupta, learned counsel for the Informant as well as Mr. Sadanand Paswan, learned Special Public Prosecutor 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 12.02.2024 in A.B.P. No. 07 of 2024 passed by the learned 1st Additional Sessions Judge cum Special Judge, Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, Bhojpur at Ara in connection with Tarari P.S. Case No. 210 of



2023 F.I.R. dated 08.12.2023 registered under Sections 341, 323, 354, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(i) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

3. Allegation against the appellants is that they along with other co-accused persons have assaulted the informant and others and also calling him his caste name.

4. Learned counsel for the appellants submits that the appellant no. 2 having clean antecedent and appellant no. 1 carries one more case other than the present one in which he is on bail in the pending matter. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offence as alleged in the F.I.R. From perusal of the F.I.R., it appears that due to some petty dispute, the present occurrence had taken place and there is case and counter case between the parties and the appellants' side have also filed case bearing Tarari P.S. Case No. 211 of 2023 against the Respondent No. 2 and his family members and the injury inflicted upon the injured persons is simple in nature.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the Respondent No. 2, vehemently opposed the prayer for anticipatory bail of the appellants and



submits that the appellants have participated in the present crime in question and they have abused the informant.

6. 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.

7. 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 1st Additional Sessions Judge cum Special Judge, Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, Bhojpur at Ara in A.B.P. No. 07 of 2024 arising out of Tarari P.S. Case No. 210 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.

8. Accordingly, the impugned order dated 12.02.2024 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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