

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3697 of 2023

Arising Out of PS. Case No.-192 Year-2022 Thana- PAHARPUR District- East Champaran

Vasist Sah @ Vasist Kumar S/O Dukhi Sah @ Shamdev Sah R/O Village-
Panditpur, P.S.- Paharpur, District- East Champaran.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Santosh Ram S/O Shivdayal Ram Resident Of Village Panditpur, P.O.
Paharpur Dist.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anant Kumar Mishra, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-04-2026 Heard Mr. Anant Kumar Mishra, learned counsel for

the appellant and Mr. Binay Krishna, learned Spl.P.P. for the

State.

2. Despite of valid service of notice upon respondent
no. 2, no one appeared on behalf of the Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
10.07.2023 passed by the learned Special Judge SC/ST (POA)
Act, Motihari, East Champaran A.B.A No. 3122/2023 in
connection with Paharpur P.S. Case No. 192/2022, F.I.R. dated
03.06.2022 registered under Sections 341, 323, 379, 504, 506
read with Section 34 of the Indian Penal Code and Sections 3(1)



(i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant along with his father was going on motorcycle, then all the accused persons including the appellant stopped the motorcycle of the informant and also abused them by taking their caste name and assaulted them. Further, the co-accused, Sanjay Yadav snatched a gold chain from the informant,

5. Learned counsel for the appellant submits that appellant is innocent 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. Although from the perusal of the F.I.R., it appears that the date of occurrence is 11.05.2022 but the present F.I.R. has been instituted on 03.06.2022 i.e., after delay of more than twenty two days without giving any explanation of the said delay. Apart from that it appears that there is no specific allegation of overt act attributed against the appellant rather there is general and omnibus allegation against all the accused persons including this appellant and for the same set of allegation the co-accused person has been granted anticipatory bail by this Hon'ble Court vide order dated 22.04.2025 passed in Criminal Appeal (SJ) No.



1960 of 2023.

6. Learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant on the ground that appellant carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the appellant is on bail in the said matter.

7. 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.

8. Hence, 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 sureties of the like amount each to the satisfaction of learned Special Judge SC/ST (POA) Act, Motihari, East Champaran A.B.A No. 3122/2023 in connection with Paharpur P.S. Case No. 192/2022, 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 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.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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