

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4706 of 2023**

Arising Out of PS. Case No.-23 Year-2023 Thana- SC/ST District- Madhepura

1. Rajendra Mehta Son Of Late Butan Mehta Residents Of Village Kolhua, Ward No. 06, Post Shankarpur P.S. Shankarpur, District Madhepura
  2. Vinod Mehta @ Binod Kumar @ Binod Kumar Mehta Son Of Shyam Kishore Mehta Residents Of Village Kolhua, Ward No. 06, Post Shankarpur P.S. Shankarpur, District Madhepura
  3. Sushil Mehta @ Sushil Kumar Son Of Shyam Kishore Mehta Residents Of Village Kolhua, Ward No. 06, Post Shankarpur P.S. Shankarpur, District Madhepura
  4. Manish Kumar Mehta @ Manish Kumar Son Of Sushil Mehta Residents Of Village Kolhua, Ward No. 06, Post Shankarpur P.S. Shankarpur, District Madhepura
  5. Ashish Kumar Mehta @ Ashish Kumar Son Of Binod Mehta Residents Of Village Kolhua, Ward No. 06, Post Shankarpur P.S. Shankarpur, District Madhepura
  6. Shyam Kishore Mehta Son Of Late Butan Mehta Residents Of Village Kolhua, Ward No. 06, Post Shankarpur P.S. Shankarpur, District Madhepura
- ... .. Appellants

Versus

1. The State of Bihar
  2. Shivpujan Ram Son of Bhuvneshwer Ram R/o vill - Kolhua, ward no. 06, Post - Shankarpur, P.S. - Shankarpur, Distt. - Madhepura
- ... .. Respondents

**Appearance :**

|                      |   |                                             |
|----------------------|---|---------------------------------------------|
| For the Appellant/s  | : | Mr. Alok Kumar, Pranav Kumar, Advocates     |
| For the Respondent/s | : | Mr. Sadanand Paswan, Spl. Public Prosecutor |
|                      |   | Mr. Amir Alam, Advocate                     |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      16-05-2024                      At the outset, learned counsel for the appellants prays for and is permitted to correct the parentage of appellants no.5 and 6 in the cause title of the case.

Heard learned counsel for the appellants, the State and respondent no.2.

2. This appeal has been filed for setting aside order



dated 14.9.2023 passed in a case registered for the offence punishable under sections 341,323,379,504,506/34 of the IPC and sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, all the FIR named accused persons including these appellants assaulted respondent no.2, spitted on him and abused him by caste name when he protested not to cut bamboo from his bamboo clumps.

4. Learned counsel appearing for the appellants submits that as a matter of fact appellant no.2 was trimming the bamboo trees of his adjacent land for which petty scuffle took place between the parties. Insult caused to the respondent no.2 is not based on caste, as such, no case under SC/ST Act is made out. Appellants claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellants, named above, in the event of their arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on



bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each  
with two sureties of the like amount each to the satisfaction of  
the Additional Sessions Judge I cum Special Judge, SC/ST Act,  
Madhepura in SC/ST PS Madhepura case no. 23 of 2023.

**(Prabhat Kumar Singh, J)**

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