

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.184 of 2025

Arising Out of PS. Case No.-10 Year-2024 Thana- SC/ST District- Banka

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1. Amarjit Singh @ Amarjeet Singh S/o Late Yogendra Singh @ Yogendra Narayan Singh Resident of village- Karanja, P. S. Shambhuganj, District- Banka.
 2. Indrajeet Singh S/o Late Yogendra Singh @ Yogendra Narayan Singh. Resident of village- Karanja, P. S. Shambhuganj, District- Banka.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ganesh Paswan S/o Saryug Paswan Resident of Village- Karanja, P. S. Shambhuganj, District- Banka.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Mishra
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 6 23-12-2025 1. Heard learned counsel for the appellants and learned Special Public Prosecutor for the SC/ST Act.
2. An order, dated 17.12.2024, passed by learned Additional Sessions Judge I -cum- Special Judge SC/ST (POA) Act, Banka, in ABP No. 1478 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Banka SC/ST Police Station Case No. 10 of 2024 registered for the offence punishable under Sections



127(1)/115(2)/351(2)/352/3(5) of the Bhartiya Nyaya Sanhita and Section 3 (1)(r)(s)/3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution story, as per the First Information Report, is that on 07.04.2024, while the informant was returning home from the fish pond of Pintu Singh, the appellants, along with other accused persons, surrounded the informant and started abusing him by his caste name. It has further been alleged that the accused persons told him that they are actual owner of the pond and the informant and others are working as caretaker of the said pond. When the informant protested, co-accused Ranjit Singh gave blow by means of iron-rod on the head of the informant due to which he sustained injury. Other accused persons, including the co-accused Bittu Singh, assaulted the informant.
4. Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case due to land dispute between Bittu Singh and Pintu Singh, who are agnates and the appellants are uncles of the co-accused Bittu Singh. He next submits that allegation



against the appellants is general and omnibus in nature and prior to lodging of the present First Information Report, Pintu Singh had lodged First Information Report against the Bittu Singh and other co-accused persons in the present First Information Report, bearing Shambhuganj Police Station Case No. 208 of 2024, in which, daughter of the informant is one of the witnesses. When nothing happened against the side of the Bittu Singh, the present First Information Report has been lodged by the informant at behest of the Pintu Singh due to land dispute and dispute regarding fishing from the subject pond. He further submits that First Information Report has been lodged with premeditated mind in order to harass the appellants after 23 days from the date of occurrence. The process under Section 82 of the Code of Criminal Procedure was issued during pendency of the bail application filed by the appellants before the Special Court, which would be evident from the order, dated 17.12.2024, in which the observation is that investigation is still going on against the accused persons.

5. On the other hand, learned counsel for the respondent no. 2/informant as well as the Special Public Prosecutor for



the SC/ST Act opposes the prayer for anticipatory bail and submits that the appellants, along with other accused persons, have abused and assaulted the informant and process under Section 82 of the Code of Criminal Procedure had already been issued prior to filing of the anticipatory bail application by the appellants.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that there is inordinate delay of 23 days in lodging of the First Information Report, there appears to be land dispute between Pintu Singh and Bittu Singh and in the First Information Report, lodged by the Pintu Singh, the daughter of the informant is one of the witnesses and it appears that abuse by caste name was not taken in full public view and there is no allegation of assault against the appellants, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 17.12.2024, passed by learned Additional Sessions Judge I -cum- Special Judge SC/ST (POA) Act, Banka, in ABP No. 1478 of 2024, is set aside.
8. Let the appellants, above named, in the event of their



arrest or surrender before the Court below within four weeks, be released 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 learned Additional Sessions Judge I -cum- Special Judge SC/ST (POA) Act, Banka, in connection with Banka Police Station Case No. 10 of 2024, subject to the condition laid down under Section 482 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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