

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.289 of 2024**

Arising Out of PS. Case No.-70 Year-2023 Thana- KESARIA District- East Champaran

1. Kamlesh Singh @ Kamlesh Kumar Son Of Rambabu Singh Resident Of Village - Darmaha, Police Station - Kesariya, District - East Champaran
2. Akhilesh Singh Son Of Rambabu Singh Resident Of Village - Darmaha, Police Station - Kesariya, District - East Champaran
3. Ankit Singh @ Ankit Kumar Son Of Ajay Singh Resident Of Village - Darmaha, Police Station - Kesariya, District - East Champaran
4. Chandan Singh @ Chandan Kumar @ Abhishek Kumar Son Of Shri Narayan Singh Resident Of Village - Darmaha, Police Station - Kesariya, District - East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Balak Das Son Of Late Khenha Das Resident Of Village - Darmaha, Police Station - Kesariya, District - East Champaran

... .. Respondent/s

**Appearance :**

|                      |   |                                           |
|----------------------|---|-------------------------------------------|
| For the Appellant/s  | : | Mr. Karandeep Kumar, Advocate             |
| For the Respondent/s | : | Mr. Binay Krishna, Spl. Public Prosecutor |
| For the Informant    | : | Ms. Ranjana Srivastava, Advocate          |

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

4      24-07-2025                      Heard learned counsel for the parties.

2. This appeal has been filed against the order dated 12.12.2023 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari in ABP No. 5434 of 2023 in connection with Kesariya P.S. Case No. 70 of 2023, registered under Sections 341, 323, 324, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of appellants has been rejected.

3. Informant, namely, Balak Das, alleged that on 08.11.2022, all the F.I.R. named accused persons, including these appellants, harvested paddy field of the informant worth Rs. 50,000/- and abused the grandson of informant by caste name. Further allegation is that, on 10.11.2022, the accused persons again came to harvest the land of informant and upon protest by his grandson, they assaulted him with *dabiya* causing head injury.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. As a matter of fact, there is admitted land dispute between the parties due to which a simple altercation took place and taking advantage of the situation, this false and concocted case has been lodged against the appellants. It is further contended that as per the F.I.R., alleged incidents occurred on 08.11.2022 and 10.11.2022, whereas, F.I.R. has been lodged on 12.02.2023 i.e. after inordinate delay of about three months which itself falsifies the prosecution story. Allegation of assault is general and omnibus. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants.



Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering the nature of accusation, delay in lodging F.I.R. and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, SC/ST Act, East Champaran, Motihari in ABP No. 5434 of 2023 in connection with Kesariya P.S. Case No. 70 of 2023.

7. Accordingly, this criminal appeal is allowed and impugned order dated 12.12.2023 is set aside with respect to these appellants only.

**(Prabhat Kumar Singh, J)**

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