

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.402 of 2025

Arising Out of PS. Case No.-65 Year-2024 Thana- SC/ST District- East Champaran

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1. Vijay Kumar Sharma @ Vijay Krishna Sharma S/o- Late Sukeshwar Singh @ Sukeshwar Prasad Singh Village- Jihuli Ps- Patahi Dist-East Champaran
 2. Manish Kumar S/o- Vijay Kumar Sharma @ Vijay Krishna Sharma Village- Jihuli Ps- Patahi Dist-East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Kiran Devi W/o- Sri Manjhi Village- Jihuli Tola Jhunkhunawa W.No-13, Ps- Patahi Gaddopur Ps- Paroo Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mritunjay Kumar, Advocate Md. Danish Quamar, Advocate Ms. Madhia Maneer, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 12-11-2025 Heard Ld. counsel for the appellants and Ld. Special
Public Prosecutor for the State.

2. The present appeal has been preferred by the appellants for grant of anticipatory bail under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 05.12.2024, passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, East Champaran, Motihari in A.B.P. No. 5132 of 2024, arising out of Motihari SC & ST P.S. Case No. 65 of 2024, whereby learned Court below has rejected the anticipatory bail petition of



the appellants.

3. As per allegation, the appellants have fraudulently got the land transferred, belonging to the petitioner, by registered deed in the name of one of the appellants and after coming to know about this fraudulent transaction, the informant along with her husband and other witnesses went to the house of the appellants, but they got angry and asked them to go out from their house, abusing by caste name.

4. Ld. counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He further submits that even as per the averment made in the FIR, no *prima facie* case is made out under the SC/ST (POA) Act. Hence, anticipatory bail petition was maintainable before the Court below and erroneously, learned Court below has rejected the anticipatory bail petition of the appellants. Explaining his submission, he further submits that one of the ingredients of offence under the SC/ST Act is that the alleged offence must be committed with intent to humiliate the victim on account of the victim being a member of the Scheduled Caste community and the offence must have been committed in public view. But as per the averment made in the FIR, the fraudulent transaction of land was not committed on account of victim



being member of the Scheduled Caste community. In fact, as per the allegation, that offence was committed for illegal gain and not for the purpose of humiliating the victim. Moreover, the alleged offence has committed within the four walls of the house of the appellants. As such, the offence has not been committed in public view.

5. It is also stated in paragraph no. 2 of the petition that the appellants have not moved earlier before this Court for grant of anticipatory bail. It has further been stated in paragraph no. 3 that the appellants have no criminal antecedents.

6. However, the Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellants for bail.

7. I heard both the parties and perused the materials on record.

8. In view of the fact that fraudulent transaction was not committed with intent to humiliate the victim and there is some substance in the submission of learned counsel for the appellants that the alleged offence has been committed within four walls of the appellants and not in the public view. As such, prima face case is not made out under the SC/ST Act and the anticipatory bail petition was maintainable before the Court below and learned Court below erroneously rejected the



anticipatory bail petition of the appellants. As far as merit of the case is concerned, it appears that the alleged facts and circumstances constitute a dispute of civil nature.

9. Considering the aforesaid facts and circumstances, the present appeal is allowed, setting aside the impugned order dated 05.12.2024, passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, East Champaran, Motihari in A.B.P. No. 5132 of 2024, arising out of Motihari SC & ST P.S. Case No. 65 of 2024, directing the appellants, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned Court below, in connection with Motihari SC & ST P.S. Case No. 65 of 2024, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the appellants have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the appellants after hearing them and getting satisfied



that the appellants have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the appellants.

(Jitendra Kumar, J)

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