

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.392 of 2025

Arising Out of PS. Case No.-520 Year-2019 Thana- BIHTA District- Patna

-
1. Vinod Singh S/O Late Darshan Singh R/O Village- Bindual, P.S.- Bihta, District- Patna
 2. Triloki Nath Singh S/O Late Durandhar Singh R/O Village- Bindual, P.S.- Bihta, District- Patna
 3. Niraj Kumar Singh @ Niraj Singh S/O Late Brij Mohan Singh R/O Village- Bindual, P.S.- Bihta, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Manohar Paswan S/O Late Bakhora Paswan R/O Village- Bindual, P.S.- Bihta, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Anand, Advocate
For the State : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 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 25.09.2024, passed by learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Civil Court (Sadar) Patna in connection with A.B.P. No. 3888 of 2024, arising out of Special Case No. 251 of 2019 from Bihta P.S. Case No. 520 of 2019, whereby learned



Court below has rejected the anticipatory bail petition of the appellants.

3. As per allegation, the appellants and other co-accused were making a way for mining sands after taking forceful possession of the land belonging to *Mahadalit* family and when it was protested, the informant and other persons were abused by the appellants and other co-accused by caste name and threatened to commit further offence against them.

4. Ld. counsel for the appellants submits that the appellants are innocent and have falsely been implicated in this case. He further submits that as per allegation, no prima facie case is made out under the SC/ST (Prevention of Atrocities) Act, because the alleged offence was committed by the appellants not with intent to humiliate the informant and other victims, but for illegal gain. Hence, anticipatory bail petition was maintainable before the Court below. But learned Court below has wrongly rejected the anticipatory bail petition of the appellants as not maintainable. He further submits that the allegation is false and fabricated without any cogent evidence.

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 appellant Nos. 1, 2 and 3 have one, five and six criminal antecedents, respectively.

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

7. I find that the offence, as allegedly being committed by the appellants, is not with intent to humiliate the informant and other victims and hence, no prima facie case is made out under the SC/ST Act. Hence, the anticipatory bail petition was maintainable before the Court below, however, Court below has wrongly rejected the anticipatory bail petition of the appellants.

8. Considering the aforesaid facts and circumstances, the present appeal is allowed, setting aside the impugned order dated 25.09.2024, passed by learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Civil Court (Sadar), Patna in connection with A.B.P. No. 3888 of 2024, arising out of Special Case No. 251 of 2019 from Bihta P.S. Case No. 520 of 2019, 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 Special Case No. 251 of 2019, arising out of Bihta P.S. Case No. 520 of 2019, 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)

shoaib/-

U		T	
---	--	---	--

