

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.538 of 2025

Arising Out of PS. Case No.-85 Year-2024 Thana- Maghopur District- Gopalganj

-
1. Dinesh Singh, S/O Late Raj Narain Singh, R/O Village- Kalyanpur, P.S- Madhopur, District- Gopalganj.
 2. Manu Singh @ Manu Kumar Singh, S/O Late Lakhdeo Singh @ Late Alakhdeo Singh R/O Village- Kalyanpur, P.S- Madhopur, District- Gopalganj.
 3. Sheobihari Singh, S/O Late Raj Narain Singh, R/O Village- Kalyanpur, P.S- Madhopur, District- Gopalganj.
 4. Surya Pratap Singh, S/O Sheobihari Singh, R/O Village- Kalyanpur, P.S- Madhopur, District- Gopalganj.
 5. Karan Singh, S/O Soni Singh, R/O Village- Kalyanpur, P.S- Madhopur, District- Gopalganj.

... .. Appellants

Versus

1. The State of Bihar
2. Sheo Kumari Devi, W/O Bharat Ram R/O Mahadalit Tola, Kalyanpur, P.S- Madhopur, Distt.- Gopalganj.

... .. Respondents

Appearance :

For the Appellants	:	Mr. Uday Pratap Singh, Advocate
For the State	:	Mr. Binay Krishna, APP

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 impugned order dated 03.01.2025 passed by learned Additional Sessions Judge-XI-cum-Exclusive Special Judge under SC/ST Act, Gopalganj in



connection with Madhopur P.S. Case No.85 of 2024, whereby learned Court below has rejected the anticipatory bail petition of the Appellants holding that prima facie case is made out under the SC/ST Act and the anticipatory bail petition of the Appellants is not maintainable.

3. As per allegation, the Appellants and other co-accused were trying to grab the *chhath ghat* land when the informant and other residents of Mahadalit Basti opposed the same, they were abused by using caste indicating words and they were also assaulted.

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 a matter of fact, as per the allegation, prima facie case is not made out under the SC/ST Act, and hence, Anticipatory Bail Petition was maintainable before the Court below. However, learned Court below has erroneously rejected the Anticipatory Bail Petition of the Appellants as not maintainable. He further submits that the allegation of grabbing the land was not committed with intent to humiliate the informant and other victims. Moreover, for application of SC/ST Act, there must be the allegation that the victim was abused by using specific caste name rather than the general allegation that



he was abused by caste indicating words. There must be specific words mentioned in the FIR, as to which word was used by the accused/Appellant against the victim but there is no such allegation in the FIR. He also submits that the alleged offence has been committed not in public view because no person except the accused/Appellants and the victims was present.

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

6. However, the Ld. Special Public Prosecutor for the State vehemently opposes the prayer of the appellant for bail. Learned APP for the State defends the impugned order submitting that there is no illegality or infirmity in it and the present appeal is liable to be dismissed.

7. I considered the submission advanced by both the parties and perused the material on record.

8. I find that there is no mention in the FIR that by which caste name the informant or other victims were abused by the Appellant. For application of SC/ST Act, there must be reference to specific word showing that the victim was abused by his caste name. The allegation that the victim was abused by



caste indicating words is not sufficient for attraction of SC/ST Act. As such, I find that prima facie no case is made out under the SC/ST Act and the impugned order was maintainable before the court below.

9. Considering the aforesaid facts and circumstances, the present appeal is allowed, setting aside the impugned order dated 03.01.2025, passed by learned Additional Sessions Judge-XI-cum-Exclusive Special Judge under SC/ST Act, Gopalganj, 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) with two sureties each of the like amount each to the satisfaction of concerned Court below, in connection with Madhopur P.S. Case No.85 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.

10. The appeal stands **allowed**, accordingly.

(Jitendra Kumar, J.)

Chandan/-

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

