

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.671 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- DHORAIYA District- Banka

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1. Rishi Ranjan S/O OM PRAKASH SINGH R/O VILLAGE- BARERI, PS.- DHORAIYA, DIST.- BANKA.
 2. ANSURAJ RANJAN @ ANSURAJ KUMAR S/O PAWAN KUMAR SINGH R/O VILLAGE- BARERI, PS.- DHORAIYA, DIST.- BANKA.
 3. SHIVESH RANJAN BHARTI @ AVINASH KUMAR S/O PAWAN KUMAR SINGH R/O VILLAGE- BARERI, PS.- DHORAIYA, DIST.- BANKA.
 4. PAWAN KUMAR SINGH S/O BHAAGWAN PRASAD SINGH R/O VILLAGE- BARERI, PS.- DHORAIYA, DIST.- BANKA.

... .. Appellant/s

Versus

1. The State of Bihar
2. DOMAN KISKU S/O LATE HUPAN KISKU R/O VILLAGE- BARERI, PS.- DHORAIYA, DIST.- BANKA.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mritunjay Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-07-2025 Heard Mr. Mritunjay Singh, learned counsel for the
appellants and Mr. Binay Krishna, learned Spl.P.P. for the State.

2. Despite valid service of notice upon Respondent
No.2, no one appears on behalf of Respondent No.2.

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
10.01.2024 passed by the learned Additional Sessions Judge-I-
cum Special Judge, S.C./S.T. Act in connection with Dhoraiya
P.S. Case No. 323 of 2023, F.I.R. dated 15.11.2023 registered



under Sections 341, 323, 324, 448, 385, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, on 13.11.2023 at around 11:00 A.M., when the appellants were allegedly forcibly constructing a hut on the informant's land. Upon the informant's objection, the accused were armed with axe, *garasa*, sword, *lathi* and *farsa* allegedly attacked the informant on the head with a sharp-edged weapon, causing injury. The informant's son, who tried to intervene, was assaulted with an axe, resulting in a neck injury. The accused also allegedly threatened to kill the victims.

5. Learned counsel for the appellants submits that appellants have clean antecedent. It appears from the F.I.R. itself that due to admitted land dispute the present occurrence has taken place and there is a case and counter case. Although the appellants are named in the F.I.R., but from a bare perusal of the F.I.R., it appears that specific allegation of assault is against co-accused person, namely, Ritwij Singh. Although, specific allegation is against appellant no. 2, namely, Anshuraj to assault Sonelal Hembram but there is no injury report available on the record which suggests that he has received no injury. He further refers to paragraph no.18 of the judgment reported in **(2020) 10**



SCC 710 (Hitesh Verma vs. State of Uttarakhand & Anr.)

which is quoted hereinbelow:-

“Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out.”

6. In view of paragraph-18 of the aforesaid judgment and in the background of the land dispute, no case is made out under SC/ST Act against the appellants.

7. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.

8. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

9. Considering the aforesaid facts and merely on the ground of land dispute as well as the judgment as mentioned aforesaid, let the appellants, above named, in the event of their



arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two surities of the like amount each to the satisfaction of learned Additional Sessions Judge-1-cum Special Judge, S.C./S.T. Act, Banka in connection with Dhoraiya P.S. Case No. 323 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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