

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.606 of 2025

Arising Out of PS. Case No.-377 Year-2024 Thana- JAMOBABAZAR District- Siwan

-
1. Umesh Prasad Son of Late Gama Prasad Resident of Village- Hariharpur Kala P.S.- Jamo Bazar, Dist- Siwan
 2. Rajesh Prasad Son of Late Gama Prasad Resident of Village- Hariharpur Kala P.S.- Jamo Bazar, Dist- Siwan
 3. Parma Prasad Son of Late Baban Prasad Resident of Village- Hariharpur Kala P.S.- Jamo Bazar, Dist- Siwan
 4. Nitish Kumar Son of Sachindar Prasad Resident of Village- Hariharpur Kala P.S.- Jamo Bazar, Dist- Siwan
 5. Sachindar Prasad Son of Ram Prasad Resident of Village- Hariharpur Kala P.S.- Jamo Bazar, Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Shanti Devi Wife of Jitendra Sah Resident of Village- Hariharpur Kala P.S.- Jamo Bazar, Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, APP
For the Resp. No.2	:	Mr. Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-11-2025 Heard the parties including the learned counsel for the Informant.

2. This appeal is preferred against the order dated 23.01.2025 passed by the learned Additional District Judge 1 cum Special Judge, Siwan in connection with Jamo Bazar P.S. Case No. 377 of 2024 registered for the offence under Sections 126(2)/115(2)/303(2)/318(4)/352/351(2)/3(5) of the B.N.S. and under sections 3(1)(r)/3(1)(s) of S.C/S.T. (POA) Act by which



anticipatory bail filed by the appellants has been rejected.

3. As per the prosecution case, the allegation against the appellants is that because of dispute over a plot of land, they have assaulted and abused the informant taking caste name.

4. Learned counsel for the appellants submits that the primary dispute between the parties is of land dispute and the allegation under the provisions of SC/ST Act is a false allegation just to make the case serious, therefore, the application for anticipatory bail is maintainable.

5. Learned counsel for the State and the Informant have vehemently opposed the prayer of the appellants.

6. From reading of the entire FIR, it appears that the dispute is with regard to transfer of land and, in my opinion, the story of abuse under the SC/ST Act seems false and the informant has not been abused because she is a member of S.C./S.T. community and, therefore, the appeal is held to be maintainable for grant of anticipatory bail.

7. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 23.01.2025 passed by the learned Additional District Judge 1 cum Special Judge, Siwan in connection with Jamo Bazar P.S. Case No. 377 of 2024, is



hereby set aside.

8. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District Judge 1 cum Special Judge, Siwan/concerned Court below in connection with Jamo Bazar P.S. Case No. 377 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

rishi/-

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

