

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1122 of 2024

Arising Out of PS. Case No.-26 Year-2023 Thana- SC/ST District- Lakhisarai

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1. Kumar Shravan S/o Yogendra Prasad Mahto R/o vill - Arma, P.S. - Kajra, Distt. - Lakhisarai
 2. Yogendra Prasad Mahto S/o Sidheshwar Mahto R/o vill - Arma, P.S. - Kajra, Distt. - Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Anurag Kumar @ Arbind Kumar S/o Sri Ram Kishor Paswan R/o vill - Arma, P.S. - Kajra, Distt. - Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P
For the Resp. No. 2	:	Mr. Mukesh Kumar, Advocate
		Mr. Bijay Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-08-2025 Heard Mr. Manoj Kumar, learned counsel for the appellants, Mr. Binay Krishna, learned Spl.P.P. for the State as well as Mr. Mukesh Kumar, learned counsel appearing on behalf of the Respondent No. 2.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 24.01.2024 passed by the learned Court of Additional District & Sessions Judge-I Special Judge, SC/ST Act, Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No. 26 of 2023, F.I.R. dated 10.05.2023 registered under Sections 341, 323, 504,



506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s)/ 3 (2) (Va) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, over a land dispute these appellants along with other accused persons abused the informant by his caste name and also assaulted him and threatened him for dire consequences.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R that due to admitted land dispute the present occurrence has taken place and there is allegation against the appellants that they have abused the informant by taking his caste name. He further submits that it appears from the F.I.R itself that the appellants have not taken any caste name and apart from that the date of occurrence is 03.05.2023 but the present F.I.R has been instituted on 10.05.2023 i.e., after delay of 7 days without giving any explanation of the said delay. He further refers to the paragraph no. 18 of the judgment in the case of **Hitesh Verma Vs. The State of Uttarakhand & Anr. reported in (2020) 10 SCC 710**, which is quoted hereinbelow :-

“18. 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.”

5. Paragraph 18 of the aforesaid judgment and in the background of the land dispute, no case is made out under the SC/ST Act against the appellants.

6. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants.

7. 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.

8. Considering the aforesaid facts and circumstances that the appellants have clean antecedent and in the background of the land dispute no case is made out under the SC/ST Act, let the appellants, above named, in the event of their arrest to 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) with two surities of the like amount each to the satisfaction of learned Court of Additional District & Sessions Judge-I Special Judge, (SC/ST Act), Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No. 26 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 tampers 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.

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

(Rajesh Kumar Verma, J)

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