

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1152 of 2024

Arising Out of PS. Case No.-487 Year-2023 Thana- KHAIRA District- Saran

Shekh Salahuddin S/o Abdul Rehman R/o Vill - Katesar Buzurg, P.S. -
Khaira, Dist. - Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Bhagwan Manjhi R/o Vill - Katesar, P.S. - Khaira (Nagra), Dist. - Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Chandra Mohan Jha, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Resp. No. 2	:	Mr. Prem Kumar Paswan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-08-2025 Heard Mr. Chandra Mohan Jha, learned counsel for the appellant, Mr. Prem Kumar Paswan, learned counsel for the Respondent No. 2 as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 27.01.2024 passed by the learned Court of SC/ST Exclusive Special Judge, Saran at Chapra in connection with Khaira (Nagra) P.S. Case No. 487 of 2023, F.I.R. dated 18.12.2023 registered under Sections 448, 504, 506 and 34 of the Indian Penal Code and Sections 3(2)(v)(a), 3(i)(r)(s)(f) of the Scheduled Castes and Scheduled Tribes Act.



3. According to the prosecution case, over a land dispute this appellant along with other accused persons abused the informant by his caste name and also threatened to kill him.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. It appears from the F.I.R that there is no specific allegation of assault against the appellant rather there is general and omnibus allegation against all the accused persons including the appellant. Apart from that it appears from the F.I.R that in the background of the land dispute the present F.I.R has been instituted against the appellant and other accused persons. 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 appellant.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

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 and in view of the aforesaid judgment no case is made out under the SC/ST Act, let the appellant, above named, in the event of his 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) with two surities of the like amount each to the satisfaction of learned Court of SC/ST Exclusive Special Judge, Saran at Chapra in connection with Khaira (Nagra) P.S. Case No. 487 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. Appellant 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant 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 appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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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