

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1320 of 2024

Arising Out of PS. Case No.-586 Year-2023 Thana- RAMNAGAR District- West Champaran

1. Santosh Patel Son of Sri Balram Raut @ Balram Patel Resident of vill.-Narayanapur, Yadav Toli, P.S.-Ramnagar, Distt.-West Champaran
2. Babita devi Wife of Sri Santosh Patel Resident of vill.-Narayanapur, Yadav Toli, P.S.-Ramnagar, Distt.-West Champaran
3. Rita Devi Wife of Sri Balram Raut @ Balram Patel Resident of vill.-Narayanapur, Yadav Toli, P.S.-Ramnagar, Distt.-West Champaran
4. Dipu Mishra Son of Sri Umesh Mishra Resident of vill.-Narayanapur, Yadav Toli, P.S.-Ramnagar, Distt.-West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Tara Devi Wife of Sri Asharfi Paswan Resident of vill.-Narayanapur, Yadav Toli, P.S.-Ramnagar, Distt.-West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sharad Kumar Verma, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-07-2025 Heard Mr. Sharad Kumar Verma, learned counsel for the appellants as well as Mr. Sadanand Paswan, 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 12.02.2024 passed by the learned Court of 1st Additional Sessions Judge-cum-Special Judge, under SC & ST Act, West



Champan at Bettiah in connection with Ramnagar P.S. Case No. 586 of 2023, F.I.R. dated 19.12.2023 registered under Sections 147, 149, 341, 323, 427, 435, 436, 504, 506 of the Indian Penal Code and Sections 3(1) (i) (r) (s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that on 19.12.2023 while she was sleeping in her hut with her family members, at about 1:30 A.M, she woke up as her hut was under fire, she managed to escape from there and on information fire brigade arrived and fire was brought under control. It is further alleged that she got information that all the FIR named accused persons under conspiracy have burnt the hut of the informant and they were also abusing narrating her caste name and also threatened to burn the informant.

5. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. It appears from the FIR that the appellants have been made accused only on the basis of suspicion and no one had seen the present occurrence. One Title Suit bearing Title Suit No. 113 of 2018 is pending in the court of the learned Sub-Judge, Bagaha, West Champaran, in between the parties and apart from that there is case and counter case between the



parties and except the suspicion, no other cogent material is available which suggest the involvement of the appellants in the present occurrence. 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. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that the appellants are named in the FIR and there is specific allegation against them in the FIR. He further submits that appellant nos. 1, 2 & 3 have clean antecedent and appellant no.4 has got one criminal antecedent other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that appellant no.4 is on bail in the pending matter.



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 the fact that the present FIR is instituted merely on the basis of suspicion and no one had seen the present occurrence and in view of the aforesaid judgment, 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) with two surities of the like amount each to the satisfaction of learned Court of 1st Additional Sessions Judge-cum-Special Judge, under SC & ST Act, West Champaran at Bettiah in connection with Ramnagar P.S. Case No. 586 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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