

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

- Appellant/s

Versus

- Respondent/s

For the Appellant/s	:	Mr. Sharad Kumar Verma
For the Respondent/s	:	Mr. Binay Krishna- Spl.P.P.
		Mr. Sachida Nand Rai
		Mr. Avinash Raj

3 17-09-2025 1. Heard the learned counsel for the appellants, the
learned Special Public Prosecutor for the State and the learned
counsel appearing on behalf of the informant.

2. The appellants have challenged the order dated 12.02.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran at Bettiah in ABP No.50 of 2024 arising out of Ramnagar P. S. Case No.586 of 2023, instituted for the offences under Sections 147, 149,



341, 323, 427, 435, 436, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s)(w)(i), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

3. The learned counsel appearing on behalf of the appellants submits that appellant nos.1 and 3 are persons with clean antecedent and appellant nos.2 and 4 have antecedent of one case. It is next submitted that informant alleges that on 19.12.2023 while she was sleeping in a hut with her family members when at about 1.30 A.M. she woke up as her hut was under fire, but she managed to escape and on information fire brigade arrived and thereafter, fire was brought under control. It is next alleged that informant got a secret information that all the FIR named accused persons under conspiracy have burnt her hut and they also were abusing by taking caste name.

4. The learned counsel appearing on behalf of the appellants submits that appellants are innocent and they have been falsely implicated in the instant case. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not disclose the name of any independent witness who witnessed the occurrence of setting the hut of the appellants on fire. It is also submitted that 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. It is also submitted that since a Title Suit is pending in between the parties, as such, the instant false case came to be instituted implicating the appellants without disclosing as to who disclosed their name to the informant. It is further submitted that had the name of witnesses who saw the occurrence or heard the appellants abusing the informant and his family members would have been disclosed in the FIR that perhaps a prima facie case under SC/ST Act would have been made out, but then, that is not the case. It is further submitted that Santosh Patel along with four others had approached this Court seeking anticipatory bail by filing Cr. Appeal (SJ) No.1320 of 2024 and the same was allowed by a learned Coordinate Bench by an order dated 08.07.2025 relying on the orders of the Hon'ble Supreme Court in the case of Hitesh Verma vs. the State of Uttrakhand and others (2020) 10 SCC 710.

5. The learned Special P. P. as well as the learned counsel appearing on behalf of the respondent no.2 opposes the anticipatory bail application, but then, are not in a position to rebut the submission of the learned counsel appearing on behalf



of the appellants that similarly situated co-accused have been granted the privilege of anticipatory bail by a learned Coordinate Bench and the informant has not disclosed the name of any witness in the FIR who saw the occurrence being committed.

6. Regard being had to the aforesaid submissions, the order dated 12.02.2024 is set-aside.

7. The appeal stands allowed.

8. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran at Bettiah in ABP No.50 of 2024 arising out of Ramnagar P. S. Case No.586 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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