

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1411 of 2024

Arising Out of PS. Case No.-844 Year-2023 Thana- BARACHATTI District- Gaya

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1. BIRBAL PASWAN SON OF LATE RAMDHANI PASWAN RESIDENT OF VILLAGE - SUNDAR KUMHARI, P.S. - BARACHATTI, DISTRICT - GAYA
 2. LALLAN PASWAN SON OF LATE RAMDHANI PASWAN RESIDENT OF VILLAGE - SUNDAR KUMHARI, P.S. - BARACHATTI, DISTRICT - GAYA
 3. NIRAJ KUMAR @ NIRANJ PASWAN SON OF MADAN PASWAN RESIDENT OF VILLAGE - SUNDAR KUMHARI, P.S. - BARACHATTI, DISTRICT - GAYA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. KRISHNA PASWAN SON OF LATE BABULAL PASWAN RESIDENT OF VILLAGE - SUNDAR KUMHARI, P.S. - BARACHATTI, DISTRICT - GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 13-10-2025 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Shri Sadanand Paswan.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 11-1-2024 in A.B.P. No. 444 of 2023 passed by the learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya, in



connection with Barachatti P.S. Case No. 844 of 2023 registered for the offences punishable under Sections 341, 323, 307, 325, 354, 506 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) and 3(2)(v) of the SC/ST Act.

3. No one appears on behalf of the Respondent No. 2.

4. Learned counsel for the appellants submits that the case was taken up on 7-10-2025 and on the said date also, no one had appeared on behalf of Respondent No. 2. It is next submitted that Appellant No. 1 is a person with clean antecedent and Appellant Nos. 2 and 3 have antecedent of one case and the informant alleges that he sold 2.5 decimals of land to Dimpi Kumari on which Dimpi was constructing her house, further on 7-9-2023, 11 named accused persons including the appellants came and assaulted causing injury on head and also assaulted Saro Devi causing fracture of hand and even assaulted Dimpi and acted inappropriately with her and were saying that the land belongs to them.

5. The Learned counsel appearing on behalf of the appellants submits that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against the appellants. It is next submitted that on account of dispute relating to land, an altercation had taken



place. It is also submitted that even presuming what has been alleged is true without admitting, then the occurrence did not take place in public view nor the FIR even remotely suggests that the occurrence was witnessed by any independent witnesses.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

7. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

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