

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1272 of 2025

Arising Out of PS. Case No.-69 Year-2023 Thana- SC/ST District- Lakhisarai

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1. Sunita Devi W/o Ram Pukar Sao @Subodh Gupta Resident of village-Piparia, P.S.-Piparia, District-Lakhisarai,at present residing at Mohalla-Prabhat Colony, Post- Chas, P.S.- Chas, Bokaro, District-Bokaro (Jharkhand)
 2. Neha Kumari D/O Subodh Gupta @ Ram Pukar Saw Resident of village-Piparia, P.S.-Piparia, District-Lakhisarai,at present residing at Mohalla-Prabhat Colony, Post- Chas, P.S.- Chas, Bokaro, District-Bokaro (Jharkhand)
 3. Vinod Sao @ Vinod Kumar Sao S/O Late Yaddu Sao Resident of village-Piparia, P.S.-Piparia, District-Lakhisarai,at present residing at Mohalla-Prabhat Colony, Post- Chas, P.S.- Chas, Bokaro, District-Bokaro (Jharkhand)

... .. Appellant/s

Versus

1. The State of Bihar
2. Suryadeo Paswan S/O Karv Paswan R/O vill.- Godih, P.S.- Kiul, Dist.- Lakhisarai, At Present Naya Bazar, Loknath V Campur, P.S.- Kabaiya, Dist.- Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukesh Kumar, Advocate Mr. Vijay Kumar Pandey, Advocate
For the Respondent No. 2	:	Mr. Shree Kant Vaidya, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-07-2025 Heard Mr. Mukesh Kumar, learned counsel for the appellants, Mr. Shree Kant Vaidya, learned counsel for the Respondent No. 2 and Mr. Sadanand Paswan, learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 28.01.2025 passed by the learned District & Addl. Sessions Judge-I-cum-Special Judge, SC/ST, Lakhisarai in ABP No. 29



of 2025 in connection with Lakhisarai SC/ST P.S. Case No. 69 of 2023, F.I.R. dated 25.09.2023 registered under Sections 420, 406, 341, 323, 504 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) /3(2)(Va) of the Scheduled Castes and Scheduled Tribes Act (P.O.A).

3. According to the prosecution case, all these appellants over admitted land dispute, assaulted the respondent no. 2 and his family members and also abused them by taking their caste name.

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 the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that due to admitted land dispute the present occurrence has taken place and it also appears from the F.I.R. that there is pure civil dispute between the parties and apart from that the date of occurrence is 05.09.2023 but the present F.I.R. has been instituted on 25.09.2023 i.e., after delay of twenty days without giving any explanation of the said delay. Apart from that it appears that both the parties have entered into compromise and they filed the



joint compromised petition in the learned Court below.

5. Learned counsel appearing on behalf of the Respondent No. 2 (informant) has informed this Court that the informant has filed a compromised petition and the informant does not want to pursue the matter.

6. 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.

7. Hence, 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 District & Addl. Sessions Judge-I-cum-Special Judge, SC/ST, Lakhisarai in connection with Lakhisarai SC/ST P.S. Case No. 69 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.

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

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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