

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1513 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- SC/ST District- East Champaran

1. Madan Sah S/o Late Lalbahadur Sah Resident of village - Saraugadh, P.S.- Chiraiya, District- East Champaran
2. Bhashm Sah S/o Late Laxmi Sah Resident of village - Saraugadh, P.S.- Chiraiya, District- East Champaran
3. Aasnarayan Sah S/o Late Raj Kumar Sah Resident of village - Saraugadh, P.S.- Chiraiya, District- East Champaran
4. Dinananath Sah S/o Late Raj Kumar Sah Resident of village - Saraugadh, P.S.- Chiraiya, District- East Champaran
5. Santosh Sah @ Santosh Kumar S/o Late Raj Kumar Sah Resident of village - Saraugadh, P.S.- Chiraiya, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Bachan Ram S/o Rakatu Ram Resident of village - Saraugadh, P.S.- Chiraiya, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abhishek Kumar
		Mr. Hemant Ray
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

3 14-11-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor representing the State and learned counsel appearing on behalf of the first informant / respondent no.2.

2. This Criminal appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 has been preferred by the appellants against the order dated 11.03.2025 passed by learned Special



Judge SC/ST Act, East Champaran, Motihari, in ABP No. 785 of 2025, in connection with Motihari SC/ST P.S. Case No. 7 of 2025, registered for the offences punishable under Sections 126(2)/115(2)/118(1)/74/303(2)/352/3(5) of the BNS and Sections 3(i)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 whereby the prayer for Anticipatory bail of the appellants has been rejected.

3. Brief facts of the case which are required to be stated are that the informant Bachan Ram got a First Information Report lodged on 21st January, 2025 stating *inter alia* that on 16th January, 2025 at about 2 O'clock, he was getting construction of building. In the meantime, appellants (accused persons) came there and insisted to stop the work. When he objected, they abused him by his caste name and instigated others to assault him. Thereafter, appellant No. 4 Dinanath Sah assaulted him with iron-rod on his head causing injury to him whereby he fell down. The appellant No. 5 Santosh Sah also abused him by his caste name and assaulted him with *lathi* and when his family members came to rescue him, they were also beaten. The accused persons also started dragging his daughter-in-law by catching hold of her hair due to which she became



half-naked.

4. It is argued by learned counsel for the appellants that appellants have been falsely implicated in this case. The incident has not taken place in the manner as alleged by the prosecution. Much emphasis has been given by contending that, in fact, the informant being member of Scheduled Caste intentionally encroached the land of appellants and when they made protest then he and his associates gave threat to implicate them in a false case under the SC/ST Act. It is also pointed out that in the said incident, two persons, namely, Bachan Ram and Ram Janam Ram have received injury which is simple in nature. F.I.R. has been lodged after a delay of five days, which itself indicate that same was lodged after due consultation. The impugned order passed by learned Court below rejecting the anticipatory bail application of the appellants is not sustainable. Appellants have no criminal history to their credit. Pursuant to F.I.R. of this case, the appellants have apprehension of imminent arrest. Lastly, it is submitted that in case the appellants are granted anticipatory bail, they would not misuse the liberty and cooperate with the investigation of this case.

5. Learned Special Public Prosecutor representing the State as well as learned counsel appearing on behalf of



respondent no.2 opposed the prayer for granting anticipatory bail to the appellants in the light of the allegations made in the F.I.R. They also submit that as on date there is no material on record to presume the false implication of the appellants. Considering the prosecution case, cognizable offence is made out against the appellants.

6. So far as provisions of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 relating to maintainability of this appeal is concerned, it is relevant to mention that in the light of judgment of the Hon'ble Supreme Court in the case of **Prathvi Raj Chauhan Versus Union of India and Others (2020) 4 SCC 727**, aforesaid Section 18 of SC/ST Act does not create absolute bar and if *prima facie* offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 is not made out, the anticipatory bail can be granted to the accused persons, hence this appeal under Section under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2015 is held to be maintainable.

7. Having heard the learned counsel for the parties, I find that F.I.R. has been lodged after five days, hence the possibility of false implication of the appellants cannot be ruled out. The



investigation is still going on. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of anticipatory bail to the appellants.

8. Looking to the overall facts and circumstances of the case, submissions of learned counsel for the parties as noted above, reasonable apprehension of arrest of the appellants, taking into consideration the gravity of offence, nature of accusation and there being no possibility of their fleeing away from justice, this Court is of the view that in the light of guidelines laid down by the Hon'ble Apex Court in the case of **Sushila Aggarwal vs State (NCT of Delhi), (2020) 5 SCC 1**, *prima facie* the appellants have made out a case for grant of anticipatory bail, hence the impugned order is liable to be set-aside and the appeal is liable to be allowed.

9. In view of the above, the impugned order dated 11.03.2025 passed by learned Special Judge SC/ST Act, East Champaran, Motihari, in ABP No. 785 of 2025, in connection with Motihari SC/ST P.S. Case No. 7 of 2025 rejecting the anticipatory bail application of the appellants is hereby set-aside.

10. Accordingly, it is directed that in the event of arrest or surrender of the appellants above-named within three weeks



from today in the aforesaid case, they shall be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties each in the like amount to the satisfaction of the concerned Court below in connection with the aforesaid case, subject to condition conditions laid down under Section 438(2) of the Code of Criminal Procedure / 482 (2) of the BNSS.

11. With the aforesaid observations and directions, this Criminal appeal stands allowed.

(Sanjay Kumar Singh , J)

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