

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 1555 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- SC/ST BAGHA District- West Champaran

1. Diwakar Patel S/o- Ramakant Patel @ Ramakant Prasad Chaudhary @ Ramakant Chaudhary Village- Shivrajpur Ps- Bhairoganj Dist- West Champaran
2. Prabhakar Patel S/o- Ramakant Patel @ Ramakant Prasad Chaudhary @ Ramakant Chaudhary Village- Shivrajpur Ps- Bhairoganj Dist- West Champaran
3. Ramakant Patel @ Ramakant Prasad Chaudhary @ Ramakant Chaudhary S/o- Late Lal Parikhan Patel Village- Shivrajpur Ps- Bhairoganj Dist- West Champaran
4. Chandan Kumar @ Chandan Patel S/o- Diwakar Patel Village- Shivrajpur Ps- Bhairoganj Dist- West Champaran
5. Palatan Patel @ Paltan Chaudhary S/o- Bhikham Patel @ Bhikham Chaudhary Village- Lagunaha Ps- Chautarwa Dist- West Champaran
6. Jeetendra Patel @ Lotan Patel S/o- Bhikham Patel @ Bhikham Chaudhary Village- Lagunaha Ps- Chautarwa Dist- West Champaran
7. Sugam Patel @ Suga Patel @ Manoj Chaudhary @ Suga Chaudhary S/o- Bhikham Patel @ Bhikham Chaudhary Village- Lagunaha Ps- Chautarwa Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Panna Devi W/o- Rudal Ram Village- Shivrajpur Ps- Chautarwa Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Resp. No.2	:	Mr. Suresh Pd. Sharma, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 19-12-2025 Heard learned counsel for the appellants, learned Spl.P.P. for the State and learned counsel for the respondent no.2.

2. This is an appeal under Sections 14(A)(2) against



refusal of the prayer for anticipatory bail by order dated 27.03.2025 passed by the learned Court of 1st Addl. District and Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran at Bettiah in connection with Bagaha P.S. Case No.03 of 2025 registered under Sections 126(2), 115, 76, 329(3), 329(4), 351(2), 352 and 3(5) of BNS, 2023 and Sections 3(1) (i) (r) (s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

3. The allegations in the F.I.R is that accused persons came to the house of the informant and indulged in hurling caste based abuses and had asked to vacate their own land. There is further allegation that accused persons assaulted the informant and her family members due to which they sustained injuries.

4. Learned counsel for the appellants submits that the present F.I.R has been lodged after 4 days of occurrence, inasmuch as occurrence is said to have taken place on 19.02.2025 and F.I.R came to be lodged on 23.02.2025, for which no plausible explanation has been tendered. It is further submitted that it would be apparent from the F.I.R itself that occurrence had taken place at the doorstep of the house of the informant as such there is no public view involved, thus provisions of SC/ST Act would not get attracted. It is further



submitted that there is a *bona fide* land dispute between the parties and the documents have been brought on record on behalf of the appellants to demonstrate a *bona fide* claim over the said land, namely, the documents relating to proceedings under Section 107 of the Cr.P.C. and the order passed by the D.C.L.R. which are annexed as Annexures-3 and 4 to the petition. So far as injury is concerned, injury report annexed with the case diary discloses simple injuries on non-vital part of the body in the nature of laceration and abrasion caused by hard and blunt object. The appellants undertakes to co-operate in case/trial.

5. Learned Special Public Prosecutor for the State as also learned counsel for the respondent no.2 have vehemently opposed the prayer for bail of the appellants based upon the allegation made in the F.I.R and the materials collected during course of investigation.

6. In view of the fact that occurrence had taken place inside the house which cannot be a public view, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act *prima facie* is made out against the appellants.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that there



is delay of four days in lodging of F.I.R and there is land dispute between the parties, 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 each of them bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of 1st Addl. District and Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran at Bettiah in connection with Bagaha P.S. Case No.03 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Soni Shrivastava, J)

Harsh/-

U		T	
---	--	---	--

