

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1552 of 2025

Arising Out of PS. Case No.-54 Year-2024 Thana- SC/ST District- East Champaran

Deep Narayan Sahani S/O Jiyalal Sahani Resident of Village- Bara
Bariyarpur, ward No. 43, P.S.- Chatauni, Dist.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vicky Kumar S/O Late Ram Ayodhya Resident of Village- Bara Bariyarpur,
ward No. 44, P.S.- Chatauni, Dist.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiwani Kumari, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

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 bail vide order dated 07.03.2025 passed by the learned Special Judge, SC/ST Act, East Champaran, Motihari in A.B.P. No. 820 of 2025 arising out of Motihari SC & ST P.S. Case No. 54 of 2024 registered for the offences punishable under Sections 126(2), 115, 352, 3(5) of Bharatiya Nyaya Sanhita, 2023 and 3(i)(r)(s) of SC/ST Act.

3. The case of the prosecution, in brief, is that on the



alleged date of occurrence, when the informant went to the house of co-accused namely, Ravindra Sah and demanded his due wages, he abused him by taking his caste name. It is further alleged that when he was going to his house, the appellant and Ravindra Das surrounded him and abused calling him by his caste name and assaulted him and coerced him lick spit from the ground.

4. Learned counsel for the appellant submits that the appellant is innocent and he has been falsely implicated in this case. It is further submitted that there is no specific allegation against the appellant. The main allegation is against co-accused Ravindra Sah. It is submitted that the matter has been settled between Ravindra Sah and the informant. The date of occurrence is 18.07.2024 while the F.I.R. has been lodged on 12.08.2024 without any plausible explanation. The allegation against the appellant does not attract the provision of SC/ST Act. Lastly, it is submitted the appellant has two criminal case against him.

5. Earlier notices were issued upon respondent no. 2, but nobody appears on his behalf even after valid service of notice.

6. Learned Special Public Prosecutor for the State vehemently opposed the prayer of the appellant.



7. Having considered the facts and circumstances of the case, let the above named appellant, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, East Champaran in connection with Motihari SC & ST P.S. Case No. 54 of 2024, subject to the condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 as well as the following conditions:-

I. Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the appellant is made accused in any other case of similar nature after his release in the present case and thereafter



the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

8. The impugned order dated 07.03.2025 passed in Anticipatory Bail Petition No. 820 of 2025 by the learned Special Judge, SC/ST Act, East Champaran, Motihari is hereby set aside.

9. The appeal stands allowed.

(Khatim Reza, J)

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