

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1708 of 2025

Arising Out of PS. Case No.-591 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

1. Indu Kumari W/o Vijay Kumar Ray @ Vijay Kumar Roy R/o vill - Parmila Chowk, Miya Chak, P.O. and P.S. and Distt.- Begusarai
2. Amit Kumar Ray S/o Vijay Kumar Ray @ Vijay Kumar Roy R/o vill - Parmila Chowk, Miya Chak, P.O. and P.S. and Distt.- Begusarai
3. Vijay Kumar Ray @ Vijay Kumar Roy S/o Fulen Prasad Roy @ Fulan Prasad Roy R/o vill - Parmila Chowk, Miya Chak, P.O. and P.S. and Distt.- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Bholi Devi W/o Late Suresh Rajak R/o vill - Chhoti Balia, Purani Durga Asthan, ward no. 12, P.S.- Balia, Distt.- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Kumar Singh, Advocate
For the State	:	Mr. Sadanand Paswan, APP
For the respondent no.2	:	Mr. Pankaj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellants, learned counsel for respondent no.2 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 03.03.2025 passed by the learned Chief Judicial Magistrate (CJM), Begusarai in ABP No. 160 of 2025 arising out of



Begusarai Town P.S. Case No. 591 of 2023 registered for the offences punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code.

3. The case of the prosecution, in brief, is that the informant alleged that her name and I.D. Card was used for selling her ancestral land in the District Registry Office, Begusarai vide deed no. 91171 dated 09.12.2021. It is alleged that appellant no. 1 (Indu Devi) is the purchaser of the said land. When the informant was making construction over the said land then the accused persons including the appellants assaulted and abused her.

4. Learned counsel for the appellants submits that appellants are innocent and they have been falsely implicated in this case. It is further submitted that there is a land dispute with regard to the land purchased by appellant no. 1 on 09.12.2021. The occurrence took place in front of the house of appellant no. 1, who has purchased the said land and house for valuable consideration. So far the allegation with regard to appellant nos. 2 & 3 is concerned, there is only ornamental allegation against them. It is next submitted that the occurrence took place on 20.05.2023 but the FIR was lodged on 12.09.2023 i.e. after a delay of about 4 months without any plausible explanation. The



allegation against the appellants are purely civil in nature. The occurrence took place on the land purchased by appellant no. 1, which is not within a public view and as such, no offence under Section SC/ST Act is made out against the appellants. Lastly, it is submitted that appellant nos. 1 & 3 have no criminal antecedents whereas appellant no. 2 has one criminal case against him.

5. Learned Special Public Prosecutor for the State as well as learned counsel for respondent no.2 vehemently opposed the prayer of the appellant.

6. Having considered the facts and circumstances of the case, let the above named appellants, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate (CJM), Begusarai in connection with Begusarai Town P.S. Case No. 591 of 2023, subject to the condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

7. The impugned order dated 03.03.2025 passed in ABP No. 160 of 2025 arising out of Begusarai Town P.S. Case



No. 591 of 2023 by the learned Chief Judicial Magistrate
(CJM), Begusarai is hereby set aside.

8. The appeal stands allowed.

(Khatim Reza, J)

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