

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2062 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- KALYANPUR District- East Champaran

Santosh Sah @ Santosh Kumar S/o Pramod Sah @ Pramod Pd. Sah R/o vill -
Bahuara Haribansh, P.S. - Kalayanpur, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Mahendra Das S/o Late Gajar Das R/o vill - Bahuara Haribansh, P.S. -
Kalyanpur, Distt. - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar No.III, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 10-02-2025 1. Heard learned Counsel for the appellant and
learned Additional Public Prosecutor for the State.
2. An order dated 02.04.2024, passed by learned
Special Judge, SC/ST Act, East Champaran, Motihari in A.B.P.
No. 1311 of 2024, is under challenge in the present appeal
preferred under Section 14-A(2) of the Scheduled Caste and
Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby
the anticipatory bail application of the appellant in connection
with Kalyanpur Police Station Case No. 16 of 2024 registered
for the offences punishable under Sections
147/149/341/323/324/354(B)/379/504/506/34 of the Indian
Penal Code and Sections 3(i)(r)(s) of the Scheduled Caste and



Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 13.01.2024 in the morning, while the informant was constructing a wall, appellant along with other accused persons, total 13 in number and 10 unknown persons arrived there and started abusing him. Upon protest, the accused persons abused the informant by taking his caste name. It is alleged that appellant gave farsa blow on the head of the informant.

4. Learned Counsel appearing on behalf of the appellant submits that the appellant along with other accused persons have falsely been implicated in this case due to land dispute between the parties and a proceeding under Section 144 Cr.P.C. was initiated by the father of the co-accused over the land situated at Khata No. 103, Plot No. 2476 having an area of 03 dhur. Co-accused Pramod Sah filed complaint case no. 46 of 2024 against the informant's side on 04.01.2024 in the Court of learned C.J.M. Motihari and thereafter, he filed informatory petition before the learned S.D.M. Chakia, East Champaran on 06.01.2024 bearing K.M. No. 18 of 2024 against the informant and others.



5. Learned counsel further submits that the side of the prosecution tried to take forcible possession of the said land and in retaliation, the appellant's side filed Kalyanpur PS Case No. 15 of 2024 against the informant and others. He next submits that Kalyanpur PS Case No. 15 of 2024 was lodged by the appellant's side on 13.01.2024 and after 03 days of lodging of the said F.I.R., the present F.I.R. has been lodged by the informant on 16.01.2024 in order to save his skin. He also submits that the injury caused to the informant has not been brought on record by the prosecution and co-accused Ashutosh Sah @ Ashutosh Kumar has already been granted anticipatory bail by this Court vide order dated 07.01.2025, passed in Cr. Appeal (SJ) No. 2055 of 2024.

6. On the other hand, learned Spl.P.P. for the State opposed the prayer for anticipatory bail and submits that there is specific allegation of assault against the appellant and other accused persons.

7. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is land dispute between the parties, the caste name was not taken in full public view, the First Information Report lodged by the side of the appellant is prior in time, there is delay of 03 days in



lodging the present F.I.R. by the informant, the prosecution has not brought on record any injury caused to the informant and co-accused has been granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the appellant.

8. Accordingly, this appeal is allowed and the order dated 02.04.2024, passed by learned Special Judge, SC/ST Act, East Champaran, Motihari in A.B.P. No. 1311 of 2024, is set aside.

9. Let the appellant, above named, be released on bail on 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, Motihari in A.B.P. No. 1311 of 2024 arising out of Kalyanpur PS Case No. 16 of 2023.

(Anil Kumar Sinha, J)

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