

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1775 of 2025

Arising Out of PS. Case No.-4 Year-2024 Thana- LUTUA District- Gaya

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1. Rakesh Kumar @ Rakesh Kumar Verma @ Rakesh Verma S/o Surendra Prasad @ Surendra Singh R/o Village- Shankarpur, P.S.- Lutua, Distt.- Gaya
 2. Priya Ranjan Kumar @ Priye Ranjan S/o Surendra Prasad @ Surendra Singh R/o Village- Shankarpur, P.S.- Lutua, Distt.- Gaya
 3. Anand Prasad @ Anand Kumar S/o Late Vijay Prasad R/o Village- Shankarpur, P.S.- Lutua, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandiya Devi W/o Late Ramdeo Bhuiyan R/o Village- Shankarpur, P.S.- Lutua, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Prithivi Raj Singh
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 01-12-2025 1. Heard learned counsel for the appellants and
learned Spl. P.P. for the State, Ms Usha Kumari No. 1.

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 anticipatory bail vide
order dated 20-3-2025 in A.B.P. No. 71 of 2025 passed by the
learned Exclusive Special Judge S.C./S.T. (POA) Act, Gaya in
connection with Lutua P.S. Case No. 4 of 2024 registered for the
offences punishable under Sections 341, 342, 354, 427, 504,



506, 379 and 34 of the Indian Penal Code as well as Section 3(1)(r)(s) of the SC/ST Act.

3. Learned counsel for the appellants submits that the case was taken up on 13-5-2025, when notices were issued on the respondent No. 2, it is next submitted that from perusal of the office report dated 18-11-2025, it would manifest that the same records that the notice has been validly served on respondent No. 2. It is further submitted that OP No. 2, despite receiving notice, chooses not to appear and contest the case.

4. Learned counsel for the appellants submits that the appellant No. 1 is a person with clean antecedent and the appellant Nos. 2 and 3 have antecedent of one case and the informant alleges that on 10-3-2024 at about 2 am, she was constructing a brick house below a mountain as she does not have any land, when all the accused persons including the appellants came and claimed that the land belongs to them and thereafter the accused called the police, who ordered to stop the work, thereafter Surendra Prasad called the Ranger and destroyed the brick wall and his family damaged the articles laying there and also abused by taking caste name, thereafter Rakesh, who is an army man, pulled the hand of the informant's daughter causing pain and abused by taking caste name.



5. The learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the date of occurrence is 10-3-2024 and the FIR came to be instituted on 13-3-2024, i.e., after a delay of three days. It is also submitted that appellant No. 1 is an army personnel, while appellant No. 2 is a student and from perusal of the allegations as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place. It is submitted that informant was trying to usurp the land of the appellants for constructing her house, which was objected and the present false case came to be instituted. It is also submitted that this perhaps explains why informant, despite receiving notice, chooses not to appear and contest the case.

6. Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.

7. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the



like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

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