

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1869 of 2025

Arising Out of PS. Case No.-130 Year-2023 Thana- KALYANPUR District- East Champaran

Sanjay Das, aged about 32 years, Male, son of Mohan Das, resident of
Village- Bishunpur Dhir, P.S.- Kalyanpur, District- East Champaran.
... .. Appellant/s

Versus

1. The State of Bihar
2. Vakil Ram, S/O Ram Sundar Ram, R/O Village- Kamal Pakri, P.S-
Kalyanpur, Distt.- East Champaran.
... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Madhurendra Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 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
03.03.2025 passed by the learned Special Judge, SC/ST Act,
East Champaran, Motihari, in connection with Kalyanpur P.S.
Case No. 130 of 2023 registered for the offences punishable
under Sections 341, 323, 435, 436, 504, 506, 427/34 of the
Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

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



alleged date of occurrence the petitioner and other accused persons named in the FIR set the house of the informant on fire in which grocery, clothes, documents and ornaments worth one lakh fifty thousand and cash rupees thirty thousand were burnt. It is further alleged that prior to the date of occurrence all the accused persons assaulted the informant, abused and threatened him to burn his house.

4. Learned counsel for the appellant submits that the appellant himself belongs to scheduled castes category and hence the offence as alleged under the SC/ST Act would not apply against him. It is further submitted that during investigation the IO has not collected any incriminating material or burnt articles from the place of occurrence and hence no offence under Section 436 of the Indian Penal Code would be made out against the appellant. Lastly, it is submitted that the appellant has no criminal antecedents.

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

6. 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, Motihari, in connection with Kalyanpur P.S. Case No. 130 of 2023, subject to the conditions as laid down under Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023.

7. The impugned order dated 03.03.2025 passed by the learned Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Kalyanpur P.S. Case No. 130 of 2023 is hereby set aside.

8. The appeal stands allowed.

(Khatim Reza, J)

J. Alam/-

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