

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1899 of 2025

Arising Out of PS. Case No.-265 Year-2024 Thana- CHAINPUR District- Kaimur (Bhabua)

1. Santosh Bind, male, aged about 42 years, son of Nihru Bind, resident of village- Lakhmanpur, P.S.- Chainpur, Distt.- Kaimur
2. Ravindra Bind, male, aged about 38 years, son of Nihru Bind, resident of village- Lakhmanpur, P.S.- Chainpur, Distt.- Kaimur

... .. Appellant/s

Versus

1. The State of Bihar
2. Fuljhari Devi, female, W/o Bhailal Bind, resident of village- Lakhmanpur, P.S.- Chainpur, Distt.- Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md. Helal Ahmad, Advocate Ms. Madiha Hashmi, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For the Respondent No.2:	:	Mr. Tribhuwan Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 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 24.02.2025 passed by the learned District & Additional Sessions Judge, 1st cum Special Judge, Kaimur at Bhabua, in connection with Chainpur P.S. Case No.265 of 2024 registered for the



offences punishable under Sections 191(2), 191(3), 190, 115(2), 117(2), 109, 352 of *Bharatiya Nayaya Sanhita*, 2023, and Sections 3(i)(r)(s), 3(1),3(2), 3(v) of the SC/ST Act.

3. The case of the prosecution, in brief, is that on the alleged date of occurrence when the family members of the informant were filling the soil on a land which was purchased by the mother-in-law of the informant for growing vegetables etc., the appellants along with FIR named accused persons after hatching conspiracy and forming unlawful assembly came there armed with *lathi-danda*, pistol and rod and started abusing and assaulting the family members of the informant. Specific allegation against the appellant no.1 is that he assaulted the husband of the informant on his head by means of *lathi* causing injury in his head and against the appellant no.2 is that he started firing with pistol which did not hit any one and further he assaulted the husband of the informant, Bhailal Bind, on his head causing head injury.

4. Learned counsel for the appellants submits that there is case and counter case between the parties. The counter case i.e., Chainpur PS Case No.264 of 2024 was instituted on 17.07.2024, whereas, the present case was lodged on 18.07.2024. Further submission is that there is long standing



enmity between both the parties due to which several civil as well as criminal cases have been filed by both the parties against each other. It is also submitted that appellants' side have also received serious injuries in the aforesaid incident and their injury reports have been annexed as Annexure-3 series. It is further submitted that the allegation of assault against the appellants is totally false and fabricated. There is no injury report available in the case diary. The informant has not disclosed the nature of the injury sustained by the informant's side. Nothing incriminating material has been recovered from the place of occurrence during investigation. Lastly, it is submitted that the appellant no.1 has eight criminal cases against him while appellant no.2 has seven criminal cases against him and all the cases have been filed by the family members of the informant.

5. Learned Special Public Prosecutor for the State as well as learned counsel for respondent no.2 have vehemently opposed the prayer of the appellants. Learned counsel for the respondent no.2 submits that there is direct allegation against the appellants that they fired and assaulted the family members of informant but they somehow escaped themselves.

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 District & Additional Sessions Judge, 1st cum Special Judge, Kaimur at Bhabua, in connection with Chainpur P.S. Case No.265 of 2024, subject to the conditions as laid down under Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023 and further (i) that the appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the appellants are made accused in any other case of similar nature after their 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) that if the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for



cancellation of bail and (v) that the appellants within two weeks from the date of their surrender and furnishing bail bonds in the Court below shall appear before the SHO of their local area along with a copy of this order and thereafter shall appear before him every fortnightly to mark their attendance till the framing of charge in the case by the trial Court.

7. The impugned order dated 24.02.2025 passed passed by the learned District & Additional Sessions Judge, 1st cum Special Judge, Kaimur at Bhabua, in connection with Chainpur P.S. Case No.265 of 2024 is hereby set aside.

8. The appeal stands allowed.

(Khatim Reza, J)

J. Alam/-

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