

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2409 of 2024**

Arising Out of PS. Case No.-54 Year-2023 Thana- SC/ST District- Patna

- 
1. Raushan Kumar @ Raushan Thakur Son of Amrik Thakur R/O VILLAGE- RAHMATGANJ, P.S.- MASAURHI, DISTRICT- PATNA
  2. Suraj Kumar @ Suraj Thakur Son of Amrik Thakur R/O VILLAGE- RAHMATGANJ, P.S.- MASAURHI, DISTRICT- PATNA
  3. Satendra Kumar @ Satyendra Thakur Son of Umesh Thakur R/O VILLAGE- RAHMATGANJ, P.S.- MASAURHI, DISTRICT- PATNA

... .. Appellant/s

Versus

1. The State Of Bihar
2. Meena Devi W/O Shankar Chaudhary R/O VILLAGE- RAHMATGANJ, P.S.- MASAURHI, DISTRICT- PATNA

... .. Respondent/s

---

**Appearance :**

For the Appellant/s : Mr. Raj Kishor Prasad, Advocate  
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

---

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      15-07-2025                      Heard Mr. Raj Kishor Prasad, learned counsel for the appellants as well as Mr. Binay Krishna, learned Spl.P.P. for the State.

2. Despite valid service of notice upon respondent No.2, no one appears on behalf of respondent No.2

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 23.04.2024 passed by the learned Court of Exclusive Special Judge, SC/ST, Patna, in connection with SC/ST Case No.54 of 2023, F.I.R. dated 30.11.2023 registered under Sections 341,



323, 379, 504, 354, 506, 34 of the Indian Penal Code and Sections 3(1) (i) (r) (s) (w) 3(2) (va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, on 16.11.2023, the appellants and co-accused allegedly abused the informant using caste-based slurs, assaulted her with a stick, dragged her by her hair, threw her to the ground, and stole her golden Jitiya ornament along with ₹5,000.

5. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. From a bare perusal of F.I.R., it appears that the occurrence has taken place in the house of the informant, hence, the provisions under the SC/ST Act shall not be attracted against the appellants and from a bare perusal of the F.I.R., it appears that due to admitted land dispute, the present occurrence had taken place and one title suit pending between the parties and the date of occurrence, as alleged in the F.I.R. is 16.11.2023 but the present F.I.R. had been instituted on 30.11.2023, after delay of two weeks, without giving any explanation of delay. From a bare perusal of the F.I.R., it appears that due to land dispute the present occurrence had taken place and apart from that in view of the judgment in the case of *Hitesh Verma v.*



***State of Uttarakhand & others reported in (2020) 10 SCC 710,***

paragraph -18 which reads as under:-

*18. Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out.'*

6. Hence, from paragraph-18 of the aforesaid judgment and in the background of the land dispute, no case is made out under SC/ST Act against the appellants.

7. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.

8. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

9. Considering the aforesaid facts and circumstances, the appellants have clean antecedent, occurrence has taken place in the house of the informant, which is not a public place and



apart from that in the background of land dispute, no case is made out under the SC/ST Act against the appellants, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, SC/ST, Patna, in connection with SC/ST Case No.54 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at



any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

**(Rajesh Kumar Verma, J)**

sharun/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

