

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2491 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- SC/ST District- Gopalganj

Harishankar Sah Son of Late Ramprit Sah Resident of Village- Singaha Tola
Panditpur, P.S- Mirganj, Dist- Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramita Devi Wife of Suresh Ram Resident of Village- Ahirauli, P.S-
Mirganj, Dist- Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pankaj Kumar Dubey, Advocate
For the State	:	Ms. Usha Kumari 1, Spl. P.P.
For the Informant	:	Mr. Rohit Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-07-2025 Heard Mr. Pankaj Kumar Dubey, learned counsel for
the appellant, Mr. Rohit Raj, learned counsel for the respondent
and Ms. Usha Kumari 1, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
08.05.2024 passed by the learned Additional Sessions Judge-
XIth-cum-Exclusive Special Judge, SC/ST, Gopalganj in
connection with A.B.P. No. 1054 of 2024 arising out of
Gopalganj SC/ST P.S. Case No. 06 of 2024, F.I.R. dated
29.01.2024 registered under Sections 341, 323, 354(B), 420,
406, 327, 504, 506/34 of the Indian Penal Code and Sections
3(i)(r)(s)(w)(z) and 3(2)(va) of the Scheduled Castes and



Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that on 28.02.2015, at 7:00 A.M., appellant and other co-accused person came to the informant's house and requested Rs. 55,000/- for their daughter's marriage, promising to execute a sale deed for 10 *dhurs* of land in return. After marriage, despite repeated requests and several Panchayati meetings, they neither executed the sale deed nor returned the money. On 17.01.2024, when the informant again demanded her money, accused persons assaulted her physically, pulled her by the hair, insulted her by using caste-based derogatory remarks and again refused to return the money or transfer the land. She subsequently received treatment at a Government hospital.

4. Learned counsel for the appellant submits that appellant has falsely been implicated in the present case. It appears from the FIR that the date of occurrence as alleged in the F.I.R. is 17.01.2024 but the present F.I.R. has been instituted on 29.01.2024 i.e. after delay of twelve days without giving any explanation of the said delay, apart from that a bare perusal of F.I.R., it appears that due to admitted land dispute the present occurrence has taken place. He further refers to paragraph no.18 of the judgment reported in **(2020) 10 SCC 710 (Hitesh Verma**



vs. State of Uttarakhand & Anr.) which is quoted hereinbelow:-

“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.”

5. In view of 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 appellant.

6. Learned Special Public Prosecutor for the State as well as learned counsel for the informant have vehemently opposed the prayer for bail of the appellant and submits that the appellant is named in the FIR and apart from that, the appellant has one case other than the present one but fairly submits that he is on bail in the pending matter.

7. 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.

8. Considering the aforesaid facts and circumstances, let the appellant, above named, in the event of his 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) with two surities of the like amount each to the satisfaction of learned Additional Sessions Judge-XIth-cum-Exclusive Special Judge under SC/ST Act, Gopalganj in connection with Gopalganj SC/ST P.S. Case No. 06 of 2024, 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. Appellant 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers 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 appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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.

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

(Rajesh Kumar Verma, J)

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