

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2555 of 2024

Arising Out of PS. Case No.-15 Year-2024 Thana- SC/ST District- Gaya

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1. Vijay Kumar Singh, Son of Late Grish Narayan Singh, R/o Village- Jaitiya, PS- Cherki, Dist- Gaya
 2. Manoj Kumar Singh, Son of Late Grish Narayan Singh, R/o Village- Jaitiya, PS- Cherki, Dist- Gaya
 3. Surendra Kumar Singh, Son of Late Girish Narayan Singh, R/o Village- Jaitiya, PS- Cherki, Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Yogendra Das, Son of Late Basant Ravidas, R/o Village- Jamry, P.S.- Cherky, Dist- Gaya (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amrendra Kumar Singh, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 04-11-2025 Heard learned counsel for the appellants and learned
Spl. P.P. 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 anticipatory bail vide order dated 04.05.2024 passed by the learned Exclusive Special Judge, S.C./S.T., Gaya in connection with Gaya SC/ST P.S. Case No. 15 of 2024 registered for the offences punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal



Code as well as Sections 3(i)(r)(s)/3(2)(v-a) of the SC/ST Act.

3. The case of the prosecution, in short, is that on 10.03.2024 when the respondent went on his fields, he found that the appellants were there. They started abusing him with caste name. As the respondent disclosed that the land was purchased by his father and uncle, the appellants told that they have purchased the land from his ancestors. After this, the appellants abused him with caste name and assaulted with slaps and fists.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case. They have committed no offence. It has further been submitted that from perusal of the F.I.R., it is clear that the occurrence is of 10.03.2024 whereas the F.I.R. was lodged on 04.04.2024. There is delay and the delay is not explained. It has also been submitted that regarding that land, a Title Suit No. 207 of 2022 is pending in the Civil Court, Gaya. It is out and out case arising out of land dispute.

5. Learned Spl. P.P. for the State has conceded to the argument of learned counsel for the appellants and has submitted that it is a case of land dispute and in the cases of land dispute, SC/ST Act is not attracted.



6. In view of the submissions made by the learned counsel for the appellants, the order dated 04.05.2024 passed by the learned Exclusive Special Judge, S.C./S.T., Gaya in connection with Gaya SC/ST P.S. Case No. 15 of 2024 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gaya SC/ST P.S. Case No. 15 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the appeal stands allowed.

(Ashok Kumar Pandey, J)

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