

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3041 of 2022

Arising Out of PS. Case No.-90 Year-2019 Thana- MIRGANJ District- Purnia

-
1. ABHISHEK ANAND S/o Binod Kumar Choudhry Resident of Village- Khagha, P.S.- Mirganj, Distt- Purnea.
 2. MAHANT KUMAR @ SHIVESH KUMAR S/o Gopal Choudhry Resident of Village- Khagha, P.S.- Mirganj, Distt- Purnea.
 3. PRASHANT KUMAR S/o Gopal Choudhry Resident of Village- Khagha, P.S.- Mirganj, Distt- Purnea.

... .. Appellant/s

Versus

1. The State of Bihar
2. KAMALDEO PASWAN S/o Late Siro Paswan Resident of Village- khedli Chak P.S.- Mirganj, Distt- Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Nivedita Nirvikar, Sr. Adv. Mr. Shashank Shekhar, Adv. Ms. Riya Raj, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

9 17-11-2025 Heard Ms. Nivedita Nirvikar, learned Senior Advocate with Mr. Shashank Shekhar, learned Advocate for the appellants and learned Spl. PP for the State. Despite repeated opportunity accorded to respondent No. 2, none appears on his behalf.

2. The appellants, by invoking the jurisdiction of this Court 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”), seek quashing of



the order of rejection of anticipatory bail dated 15.03.2021 passed by the learned Additional Sessions Judge I cum Special Judge (SC/ST) Act, Purnea in connection with Special Case No. 75 of 2019, arising out of Mirganj P.S. Case No. 90 of 2019, registered for the offences punishable under Sections 341, 323, 354, 504, 506 and 34 of the Indian Penal Code and Section 3(iii) (x) of the SC/ST Act.

3. As per the FIR, it is alleged that when the informant along with others went to work in the field, all the accused persons, including the appellants, started abusing him by taking their caste name, besides the allegation of causing assault and misbehaving with other family members.

4. Learned Senior Advocate for the appellants referring to the FIR contended that the present FIR is actuated with *malafide* as earlier one Pramod Chaudhary, who was the elected Mukhiya of the concerned Panchayat, instituted a criminal case in order to settle the score of land dispute against appellant No. 2 and his father along with others and in the said case when they were extended the privilege of anticipatory bail, they got the present FIR instituted through one of his staff, who belongs to the member of the vulnerable section of the society. It is contended that even if the allegation is taken to be true for



the sake of argument, no penal provision under the SC/ST Act would be attracted. So far the criminal antecedent of appellant No. 2 is concerned, the same is nothing but on account of previous dispute as stated hereinabove. The impugned order suggests that during the course of investigation it has come that the informant and others are intended to settle the civil dispute through criminal cases.

5. On the other hand, learned Spl. PP for the State vehemently opposed the prayer of the appellants and submitted that the appellants have intimidated and used abusive language by taking caste name of the informant.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that the insult or intimidation has not been done for the purposes of lowering the prestige of the informant on account of he being member of the vulnerable society and thus would not attract the penal provisions of the SC/ST Act, as crystallized by a Three-Judge Bench of the Hon'ble Supreme Court in the case of *Hitesh Verma vs. State of Uttarakhand & Anr. [(2020) 10 SCC 710]*; and also the materials available on record which clearly suggests that the FIR has been instituted on the premise of land



dispute, this Court is acceded to the prayer of the appellants. Accordingly, 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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned First Additional Sessions Judge cum Special Judge (SC/ST) Act, Purnea in connection with Special Case No. 75 of 2019, arising out of Mirganj P.S. Case No. 90 of 2019, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the appellants.

7. The impugned order dated 15.03.2021 is hereby set aside. The present appeal stands allowed.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

