

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2935 of 2024

Arising Out of PS. Case No.-192 Year-2024 Thana- TURKAULIYA District- East
Champaran

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1. Devnarayan Sahani @ Deonarayan Sahani SON OF PASPAT SAHANI VILLAGE- KORAIYA, PS- TURKAULIYA, DIST- EAST CHAMPARAN
 2. BHIKHARI SAHANI SON OF DEVNARAYAN SAHANI @ DEONARAYAN SAHANI VILLAGE- KORAIYA, PS- TURKAULIYA, DIST- EAST CHAMPARAN
 3. BALIRAM SAHANI SON OF DEVNARAYAN SAHANI @ DEONARAYAN SAHANI VILLAGE- KORAIYA, PS- TURKAULIYA, DIST- EAST CHAMPARAN
 4. MANOJ SAHANI @ MANOJ KUMAR SON OF DEVNARAYAN SAHANI @ DEONARAYAN SAHANI VILLAGE- KORAIYA, PS- TURKAULIYA, DIST- EAST CHAMPARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. RAMESH KUMAR PASWAN SON OF GOPAL HAJRA @ GOPAL JI PASWAN VILLAGE- KORAIYA, PS- TURKAULIYA, DIST- EAST CHAMPARAN

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-11-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State, and learned counsel for the informant.

2. This appeal has been preferred against the order dated 21.05.2024 passed by the learned Court of Special Judge, S.C./S.T. Act, East Champaran, Motihari, in connection with Turkauliya P.S. Case No. 192 of 2024, registered for the



offences under Sections 341, 323, 308, 504, 506, and 34 of the Indian Penal Code, and Sections 3(i)(r)(s) and 3(ii)(va) of the S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellants have forcibly cut the bamboo belonging to the informant and have also abused the informant by taking his caste name.

4. Learned counsel for the appellants submits that, from a reading of the F.I.R., it appears that the main thrust of the allegation arises out of a dispute regarding the land in question, which has been purchased by the informant from the cousin brother of the appellant. Learned counsel further submits that the appellants are ready to give an undertaking that henceforth they will not commit any illegal act with respect to the land purchased by the informant from the cousin brother of the appellant. It is further submitted that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellants. Hence, the application for anticipatory bail is maintainable. He further relies upon the judgments of the Hon'ble Supreme Court in ***Kiran Vs. Rajkumar Jivraj Jain and Anr.***, reported in **2025 INSC 1067**, and ***Hitesh Verma Vs. State of Uttarakhand***, reported in **(2020) 10 SCC 710**.



5. Learned counsel for the informant has opposed the prayer for bail.

6. From a perusal of the F.I.R., it does not appear that the alleged offence was committed against the informant on the ground that he belongs to the S.C./S.T. community.

7. In these circumstances, and considering the law laid down by the Hon'ble Supreme Court in ***Kiran Vs. Rajkumar Jivraj Jain and Anr. (supra)*** and ***Hitesh Verma Vs. State of Uttarakhand (supra)***, this application for anticipatory bail is held to be maintainable.

8. Considering the rival submissions of the parties, this appeal is allowed, and accordingly, the order dated 21.05.2024 passed by the learned Court of Special Judge, S.C./S.T. Act, East Champaran, Motihari, in connection with Turkauliya P.S. Case No. 192 of 2024 is set aside.

9. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on 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 of Special Judge, S.C./S.T. Act, East Champaran, Motihari/concerned Court below in connection with A.B.P. No. 1945 of 2024 arising out of Turkauliya P.S.



Case No. 192 of 2024, subject to the conditions laid down under
Section 438(2) of the Code of Criminal Procedure / Section
482(2) of the B.N.S.S.

(i) The appellants shall file an affidavit stating that
they will not commit any illegal act on the informant’s land
henceforth. Violation of the terms of the affidavit shall result in
automatic cancellation of the bail bonds of the appellants.

(ii) The informant shall be at liberty to file an
application for cancellation of the bail bond directly before this
Court.

(Sandeep Kumar, J)

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