

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2388 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- BELAGANJ District- Gaya

-
1. Devendra Singh S/O Ramdev Singh R/O Village/Mohallah-Risaudh, P.S.- Belaganj, District- Gaya.
 2. Dharmendra Kumar Singh @ Panti S/O Ram Lakhan Singh R/O Village/Mohallah-Risaudh, P.S.- Belaganj, District- Gaya.
 3. Lalu Kumar S/O Devendra Singh R/O Village/Mohallah-Risaudh, P.S.- Belaganj, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanchan Devi W/O Manish Kumar R/O Village/Mohallah-Risaudh, P.S.- Belaganj, District- Gaya.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Manoj Kumar Singh, Advocate Mr. Ashutosh Kumar, Advocate Mr. Prabhat Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.
For the Informant	:	Mr. Deepak Kumar, Advocate Mrs. Bhawana Jha, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 21-11-2025 Heard learned counsel for the appellants, learned Special P.P. for the State as well as learned counsel appearing on behalf of the informant.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 20.05.2025, passed by the learned Exclusive Special Judge, SC/ST, Gaya in connection with Belaganj P.S. Case No.78 of 2025, F.I.R. dated 01.02.2025 registered under Sections, 126(2), 115(2), 303(2), 74, 352, 351(2) and 3(5) of B.N.S., 2023 as well



as Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. The case of the prosecution is that the accused persons came to the house of the informant and snatched a mobile phone by using caste indicative words and also dragged her to the house of one Dharmendra Singh and also assaulted and misbehaved with her.

4. Learned counsel for the appellant, at the outset, submits that most of the sections areailable in nature but for Section 303(2) of B.N.S., which is not made out in the facts and circumstances, and the offence under the SC/ST has been ornamentally levelled in order to increase the seriousness of the case, however, since the incident has taken place inside the house, provisions of SC/ST Act shall not apply. It is further submitted that the matter arises purely out of a civil dispute as there was an agreement for sale between the informant and the appellants on account of which, the appellants had made a payment of Rs.5,10,000/- on 26.07.2024. However, on coming to know that the said plot of land was already registered by the informant to someone else, the appellants demanded their money back and thereafter a cheque of Rs.5,10,000/- was given by the informant which also bounced. It is also submitted that it



it is actually the appellants, who are aggrieved persons and the present case has been lodged on false pretext for the purposes of extortion of money.

5. Learned Special P.P. and the learned counsel for the informant vehemently oppose the grant of anticipatory bail on the basis of allegations made in the first information report as also the materials collected during the course of investigation.

6. It prima facie appears that the occurrence has not taken place in public view and hence the provisions of the SC/ST Act would not get attracted.

7. Taking into consideration the facts and circumstances and also considering the fact that there is land dispute between the parties and a counter case in the form of a complaint has also been filed on behalf of the appellants, let 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 each of them bail bond of Rs.10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with Belaganj P.S. Case No.78 of 2025, subject to the conditions as laid down under Section 482(2) of the



B.N.S.S.

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

(Soni Shrivastava, J)

Sanjay/-

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

