

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3054 of 2024

Arising Out of PS. Case No.-78 Year-2023 Thana- SC/ST District- Madhubani

Raj Kumar Sah Son Of Parsadi Sah Village- Andhrah, Ward No. 13, Ps- Pandaul
Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
 2. Lalu Chaupal @ Lakshmi Chaupal Son Of Shri Shiv Shankar Chaupal
Village- Andhrah, Ward No. 13, Ps- Pandaul Dist- Madhubani
- Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For the Respondent No.2	:	Mr. Gopal Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 07-11-2025 Heard learned counsel for the appellants, learned
counsel for respondent no. 2 and learned Special Public
Prosecutor 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 against the rejection of prayer for anticipatory bail vide
order dated 05.06.2024 passed by the learned Additional Sessions
Judge- 1st -cum-Special Judge, (SC/ST, Act) Madhubani in A.B.P.
No. 638 of 2024, arising out of Sadar SC/ST Police Station Case
No. 78 of 2023 registered for the offences punishable under
Sections 341, 323, 354B, 427, 379, 504, 506/34 of the IPC and
Sections 3(1)(r)(s)(w)/3(ii)(va) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989.



3. As per the prosecution case, the informant has alleged that all the named accused persons including the appellant were cutting the bamboo trees and when the informant protested the accused persons abused him by taking his caste name and even assaulted the informant and his wife. It is alleged that the appellant had also abused the informant.

4. Learned counsel for the appellant has submitted that the present case is a fallout of a land dispute between the other accused persons with the informant and the appellant does not have any connection with the same. It has been submitted that the appellant being the original land owner, which was subsequently sold to the other accused persons, has been implicated falsely and from mere perusal of the FIR, it would be evident that there is no specific allegation of overt act against the appellant. It has next been submitted that no case under SC/ST Act is made out from the plain reading of the FIR and for the same incident there was a counter case *vide* Pandaul P.S. Case No. 210 of 2023. It has lastly been submitted that the appellant has no criminal antecedent.

5. Learned counsel for the respondent no. 2 as well as learned Spl. PP have vehemently opposed the prayer for bail and have stated that the appellant along with others had abused the



informant and had even assaulted.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 05.06.2024 is set aside.

7. The appeal is allowed.

8. Considering the facts and circumstances of the case let the appellant, above named, be released on anticipatory bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of the learned Additional Sessions Judge- 1st -cum-Special Judge, (SC/ST, Act) Madhubani in A.B.P. No. 638 of 2024, arising out of Sadar SC/ST Police Station Case No. 78 of 2023 as laid down under Section 438(2) of the Cr.P.C. read with corresponding Section 482(2) of the B.N.S.S. as well as subject to the following conditions:

(I) The appellant is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the appellant are liable to be cancelled.

(II) The appellant shall not, in any



manner, threaten, contact, or attempt to influence the informant/respondent no. 2 or any witness connected with this case.

9. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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