

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2653 of 2025

Arising Out of PS. Case No.-58 Year-2024 Thana- SC/ST District- Gaya

ADITYA PRATAP SINGH Son of Bhanu Pratap Singh Resident of Mohalla -
Delha, Kharkhura Road, Below BSNL Tower, Police Station - Delha, District
- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Mukesh Kumar Son of Late Rajkumar Paswan Resident of Mohalla -
Kharkhura, Dusadh Toli, Police Station - Delha, District - Gaya

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2025 Heard Mr. Saliesh Kumar, Advocate learned counsel
for the appellant, learned counsel for the informant and Mr.
Sadnanand Paswan, learned Spl.P.P. for the State.

2. Despite of entered appearance of Vakalatnama on
behalf of Respondent No. 2, no one appears on behalf of
Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, against refusal of the prayer for anticipatory bail
by order dated 11.03.2025 in A.B.P. No. 78 of 2025 passed by
the learned Exclusive Special Judge, SC/ST, Gaya in connection
with SC/ST P.S. Case No. 58 of 2024 registered under Sections



126(2)/115(2)/351(2)/352/3(5) of the Indian Penal Code as well as under Sections 3(i)(r), 3(i)(s), 3(ii)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. Allegation against the appellant is that on 15.11.2024 at about 02:00 PM, while the informant was working in plot of owner which is situated at the back of Vishwanath Marriage Hall and digging hold in the land, it is alleged that in the meantime, co-accused Bhanu Pratap Singh and the petitioner along with two other unknown persons came and started abusing using caste indicative words and pushed the informant on the ground and forbade to work threatening for dire consequences.

5. Learned counsel for the appellant submits that the allegation as alleged in the FIR is false and fabricated and the appellant has not committed any offence as alleged in the F.I.R. Due to admitted land dispute, the present occurrence has taken place and one Partition Suit No. 17 of 2019/144 of 2020 is pending in the Court of learned Sub-Judge, VI, Gaya and only with a view to pressurize the appellant's side, the informant has filed the present case against the appellant and his father. From a bare perusal of the F.I.R., it appears that there is no specific allegation of any assault or overt-act attributed against the



appellant rather there is general and omnibus allegation against all the accused persons including the appellant. From a bare perusal of the FIR it appears that due to land dispute the present occurrence had taken place and apart from that in view of the judgment in the case of **Hitesh Verma Vs. The State of Uttarakhand & Anr., reported in (2020) 10 SCC 710, paragraph-18** which reads as follows:-

“18. Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out.

6. Paragraph-18 of the aforesaid judgment and in the background of the land dispute, no case is made out under



SC/ST Act against the appellant.

7. Learned Spl.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the appellant and submits that the appellant carries one more case other than the present one but fairly submits that the appellant is on bail in the said case, as mentioned in para-3 of this appeal.

8. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

9. Considering the aforesaid facts, let the appellants, above named, in the event of his 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 bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Gaya in connection with SC/ST P.S. Case No. 58 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023/Section 482(2) of BNSS,2023 and with other following conditions:-

(I) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail

(III) And, further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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

(Rajesh Kumar Verma, J)

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