

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3348 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- KALYANPUR District- East Champaran

1. Dilip Patel @ Dilip Raut, Son of Gagandev Raut R/O Village- Barharwa Mahanand, P.S.- Kalyanpur, District- East Champaran
2. Raja Patel Son of Dilip Patel @ Dilip Raut R/O Village- Barharwa Mahanand, P.S.- Kalyanpur, District- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Rameshwar Paswan Son of Late Bunilal Paswan R/O Village- Barharwa Mahanad, P.S.- Kalyanpur, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Karandeep Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.P.P.
For the Resp. No.2	:	Mr. Prateek Tandon, Advocate
		Mr. Rohit Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-11-2025 1. Heard learned counsel for the appellants, learned counsel for the State and learned counsel for the respondent no.2.

2. The appellants have preferred this appeal against the order dated 27.6.2024 passed in A.B.P. no.2135 of 2024 by learned Special Judge SC/ST Act, East Champaran at Motihari and for grant of anticipatory bail in connection with Kalyanpur P.S. Case no.82 of 2024 registered under sections 341, 323, 324, 379, 504, 506 and 34 of the Indian Penal Code and section 3(1) (r)(s) of the SC/ST (PoA) Act.



3. As per the prosecution case, the informant states that the four named accused persons including the two appellants herein came variously armed, started to abuse the informant and others and started making a hut on the land of the informant. On the informant making a query, it is stated that Dilip Patel, Madan Patel, Sonu Patel and Raja Patel assaulted them. The informant further states that all the accused persons abused him in the name of his caste.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the case because of land dispute between the parties which would be evident from the contents of the F.I.R. itself. So far as the allegation of abuse in the name of caste is concerned, the allegations are general and omnibus in nature and not specific against any of the appellants herein. The place of occurrence cannot be said to be one within the public view. The appellants have no criminal antecedent and undertake to cooperate in the investigation/trial.

5. The appeal is opposed by learned counsel for the State and learned counsel for the respondent no.2. It is submitted by learned counsel appearing for the respondent no.2 that from the contents of the F.I.R. itself it would transpire that the occurrence having taken place within public view, the case



being one under SC and ST (PoA) Act, the instant appeal arising out of an application for Anticipatory Bail will not be maintainable.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the occurrence taking place as a result of construction of a hut in the land, the provisions of the SC and ST Act together with the judgment of the Hon’ble Supreme Court dated 1.9.2025 in SLP (Crl.) no.8169 of 2025 (Kiran Vs. Rajkumar Jivraj Jain & Anr.), the application for anticipatory bail is not maintainable and as such the appeal is rejected.

7. The appellants are directed to surrender in the learned Court below within a period of four weeks.

8. In case the appellants so surrender and pray for regular bail, the same shall be considered by the learned Court below without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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