

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3460 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- PIPRA District- East Champaran

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1. Md. Yunush, S/O Md. Ishaque Mian @ Md Ishahak, R/O Village- Sahsi Jagirahan, P.S- Pipra, Distt.- East Champaran.
 2. Md. Reyajul, S/O Md. Ishaque Mian @ Md Ishahak, R/O Village- Sahsi Jagirahan, P.S- Pipra, Distt.- East Champaran.
 3. Shehajadi, W/O Md. Idrish, R/O Village- Sahsi Jagirahan, P.S- Pipra, Distt.- East Champaran.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Sandeep Kumar, S/O Sita Ram Baitha, R/O Village- Sahsi Jagiraha, P.S- Pipra, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Hemant Ray, Adv.
For the Respondent/s	:	Mrs. Usha Kavi, Spl. PP
For the Resp. No. 2	:	Mr. Ravi Rohit, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 18-11-2025 Heard learned Advocate for the appellants, learned Advocate for respondent no.2 and learned Spl. PP 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 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for bail vide order dated 27.06.2024 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with A.B.P. No. 2730 of 2024 arising out of Pipra P.S. Case No. 97 of 2024 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 506, 379 and 34 of the Indian Penal Code



corresponding to Section 3(i)(r)(s) and 3(2)(va) of the SC/ST (POA) Act whereby the prayer of the appellants for grant of anticipatory bail stood rejected.

3. On the fateful day while the respondent no. 2 was sitting in his house, in the meanwhile, all the appellants armed with weapon came there and started abusing and assaulting. It is specifically alleged that the appellant no. 1 assaulted the informant by means of sword over his head. While the cousin of the informant came to his rescue, he was further assaulted by appellant no. 2, due to which he also sustained head injury. There is further allegation that appellant no. 3 assaulted one Dinkar Kumar @ Dinkar Raj with iron rod, due to which he sustained injuries in both his hands. There is further allegation of snatching of valuables and throwing bricks and stone over the house of the informant.

4. Learned Advocate for the appellants taking this Court through the FIR contended that *prima facie* the genesis of the occurrence appears to be a land dispute. All the more, the present case is nothing, but a counterblast to Pipra P.S. Case No. 99 of 2024 instituted by the appellant no. 3 against the informant and others. In fact, on account of a land dispute both the parties have entered into a free fight, resulting into injuries to persons of both the sides. However, the prosecution has failed



to explain the injuries sustained to the appellants. The apparent land dispute is also evident from the pendency of the Title Suit No. 106 of 2002 between the parties. The injuries which have been allegedly sustained to the informant and his family members, all have been found to be simple in nature. It is lastly contended that even if the allegation taken to be true for the sake of argument, no penal provision under the SC/ST Act is attracted.

5. On the other hand learned Spl. PP for the State as well as learned Advocate for respondent no.2 vehemently opposed the prayer of the appellants and submitted that there is specific allegation that the appellants have abused the informant by taking his caste name, besides the allegation of causing brutal assault.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the genesis of land dispute, coupled with the case and counter case as also the fact the informant has not disclosed in the FIR as to in whose presence the occurrence has taken place, besides his family members; further, from the allegation it does not appear that the assault or intimidation has been made only on the ground that the informant and his family members belong to a member of the vulnerable society. A three Judges Bench of the



Apex Court in the case of *Hitesh Verma vs. The State of Uttarkhand & Anr.* reported in *(2020) 10 SCC 710* has categorically observed that all the intimidation or insult cannot attract the penal provision of the SC/ST Act, if the same has not been done on account of the victim belonging to a member of Scheduled Caste or a Scheduled Tribe. In view of the aforesaid facts and the position of law, let the above named appellants, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, East Champaran, Motihari in connection with A.B.P. No. 2730 of 2024 arising out of Pipra P.S. Case No. 97 of 2024, with further condition that one of the bailors shall be the own/close family members of the appellant.

7. The impugned order dated 27.06.2024 is hereby set aside and the present appeal is allowed.

(Harish Kumar, J)

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