

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2783 of 2025

Arising Out of PS. Case No.-99 Year-2025 Thana- BHAGWANPUR District- Vaishali

1. Mithilesh Pandit S/O Surendra Pandit Resident of village- Shekhopur Dhadhiya (Derhiya) Police Station - Bhagwanpur, District - Vaishali.
2. Arun Pandit Son of Goha Pandit. Resident of village- Shekhopur Dhadhiya (Derhiya) Police Station - Bhagwanpur, District - Vaishali.
3. Mukesh Pandit @ Mukesh Kumar Son of Ramesh Pandit. Resident of village- Shekhopur Dhadhiya (Derhiya) Police Station - Bhagwanpur, District - Vaishali.
4. Ramesh Pandit Son of Fekan Pandit. Resident of village- Shekhopur Dhadhiya (Derhiya) Police Station - Bhagwanpur, District - Vaishali.
5. Sanju Devi @ Sanu Devi Wife of Ramesh Pandit. Resident of village- Shekhopur Dhadhiya (Derhiya) Police Station - Bhagwanpur, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anil Ram @ Anil Kumar Ram Son of Ram Sarup Ram Resident of village - Shekhopur Dhadhiya, Police Station - Bhagwanpur, District - Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Subhash Kumar, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. Public Prosecutor
For the R.No. 2	:	Mr. Ashutosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-09-2025 Heard learned counsel for the appellants, respondent
no. 2 and learned Spl. Public Prosecutor for the State.

2. This appeal has been filed against the order dated
20.06.2025 passed by learned Exclusive Special Judge, SC/ST
Act-cum-District and Additional Sessions Judge, Vaishali at
Hajipur in ABP No. 1178 of 2025 arising out of Bhagwanpur
P.S. Case No. 99 of 2025, registered under Sections 126(2), 115,



109, 303(2), 352, 3(5) of the Bharatiya Nyaya Sanhita and Section 3(i)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on 09.04.2025 at about 5 PM, all the F.I.R. named accused persons, including these appellants, abused informant and others by caste name and assaulted them by means of *lathi*, *danda*, sickle, etc. as a result of which informant and his uncle sustained injuries.

4. Learned counsel for the appellants submits that appellants are innocent and have committed no offence. There is dispute regarding property for which title suit is already pending between the parties before learned court below. He further submits that due to property dispute, altercation took place between the parties in which both sides sustained injuries. Case and counter case. Case lodged by the appellants' side i.e. Bhagwanpur P. S. Case No. 93 of 2025 is earlier in point of time. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State as well



as learned counsel for the respondent no. 2 vehemently opposed the bail application.

6. Considering the nature of accusation and clean antecedent, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, SC/ST Act-cum-District and Additional Sessions Judge, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 99 of 2025.

7. Accordingly, this criminal appeal is allowed and impugned order dated 20.06.2025 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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