

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2800 of 2025

Arising Out of PS. Case No.-219 Year-2024 Thana- KALUAHI District- Madhubani

1.

Dhanik Lal Sahu @ Dhanik Lal S/O Ram Vilash Sahu @ Rambilash Sahu Resident of village- Haripur Bakshi Tola, P.S.- Kaluahi, District- Madhubani
2.

Shambhu Prasad Sahu @ Shambhu Sahu S/O- Dashrath Sahu Resident of village- Haripur Bakshi Tola, P.S.- Kaluahi, District- Madhubani

... .. Appellant/s

Versus

1.

The State of Bihar PATNA
2.

Bhedi Paswan S/O- Late Ramphal Paswan R/O- vill- Haripur, Bakshi Tola, P.S.- Kaluahi, Distt.- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Subhash Kumar Jha, Advocate
For the Respondent/s : Mr.Usha Kumari 1, SPL. PP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

320-11-2025

Heard learned counsel for the appellants and learned
Spl. P.P. 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 anticipatory bail vide order dated 25.06.2025 in A.B.P. No. 1000 of 2025 passed by the learned Additional District and Sessions Judge- 1st -cum- Special Judge, Madhubani in connection with Kaluahi P.S. Case No. 219 of 2024 registered for the offences punishable under Sections 126 (2), 115 (2), 308 (3), 352, 351 (2) and 3 (5) of the



BNS, 2023 as well as Sections 3 (1) (r) (s), 3 (2) (va) of the SC/ST Act.

3. The case of the prosecution, in short, is that the respondent no. 2 was engaged in constructing a boundary wall of the Mansha Devi Temple when the appellants and one another allegedly arrived there and took away the spade and abused him. It is further alleged that Dhanik Lal Sahu @ Dhanik Lal (appellant no. 1) abused the respondent no. 2 with caste name.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case. It is further submitted that from perusal of Annexure- P/2 and P/3, it transpires that the appellants had earlier objected to the illegal construction of Mansha Devi Temple for which a complaint case had already been instituted. It is further submitted that this case is a counter blast of the case earlier filed by the appellant's side and from perusal of the FIR itself, it is clear that the police has reached there as per FIR but nobody was arrested, which itself shows that no incident as alleged had actually occurred. This case has been filed only with a view to harass the appellants.

5. Learned Spl. P.P. for the State vehemently opposes the appeal.



6. In view of the submissions made by the learned counsel for the appellant, the order dated 25.06.2025 in A.B.P. No. 1000 of 2025 passed by the learned Additional Sessions Judge- 1st -cum-Special Judge, Madhubani in connection with Kaluahi P.S. Case No. 219 of 2024 is hereby set aside and the appellants above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kaluahi P.S. Case No. 219 of 2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly the appeal stands allowed.

(Ashok Kumar Pandey, J)

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