

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3381 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- PAKRIDAYAL District- East Champaran

1. Dulari Devi wife of Bhola Chaudhary @ Bhola Sah Village- Sundarpatti Ps- Pakaridayal Dist- East Champaran
2. Bhola Chaudhary @ Bhola Sah son of Late Sarjug Sah Village- Sundarpatti Ps- Pakaridayal Dist- East Champaran
3. Kis Nandan @ Kisnandan Kumar @ Krishnandan Kumar son of Bhola Chaudhary @ Bhola Sah Village- Sundarpatti Ps- Pakaridayal Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rambabu Kumar son of Sewak Paswan Village- Sundarpatti Ps- Pakaridayal Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shamir Mehra, Advocate Mr. Anil Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For Respondent no.2	:	Mr. Abhishek Kumar, Advocate Mr. Hemant Ray, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 12-11-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the respondent no.2.

2. The instant appeal has been preferred against the order dated 1.7.2024 passed in Anticipatory Bail Petition no.2416 of 2024 by the learned Special Judge SC/ST Act, East Champaran, Motihari and for grant of anticipatory bail in connection with Pakridayal P.S Case no.111 of 2024 registered under sections 341, 323, 336, 504 and 506 of the Indian Penal



Code and sections 3(1)(r) and 3(1)(s) of the SC and ST (Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, the informant states that he belonging to the SC category, having married his wife who belongs to BC-I category, the in-laws of his wife's sister threatened to eliminate him. It is further stated that the accused persons i.e. the appellants herein who happen to be the mother-in-law, father-in-law and the brother-in-law (*devar*) of his wife's sister came along with others and caused destruction of the property. They continue to threaten that the informant will be killed.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the case. On perusal of the contents of the FIR itself, it is submitted that no case under the SC and ST Act is made out. The appellants who have no criminal antecedent undertake to cooperate in the investigation/trial.

5. The appeal is opposed by learned Special Public Prosecutor for the State and learned counsel for the respondent no.2. Learned counsel for the respondent no. 2 submits that besides all the three appellants being named in the FIR, there is direct allegation against them of coming along with other accused persons and having caused destruction of property



besides threatening the informant of eliminating him.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the appellants in the FIR, in the facts of the case, the Court is inclined to allow the instant appeal.

7. The appeal is allowed and the order dated 1.7.2024 passed in Anticipatory Bail Petition no. 2416 of 2024 by the learned Special Judge SC/ST Act, East Champaran, Motihari is set aside.

8. It is directed that all the three appellants above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Pakridayal P.S Case no.111 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST Act, East Champaran, Motihari.

(Partha Sarthy, J)

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