

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3578 of 2024

Arising Out of PS. Case No.-199 Year-2024 Thana- TURKAULIYA District- East
Champaran

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1. Indrajeet Pal @ Inarjeet Pal S/o Late Parmeshwar Pal R/o vill - Barharwa, P.s .- Turkauliya, Distt. - East Champaran, Motihari
 2. Anju Devi W/o Indrajeet Pal R/o vill - Barharwa, P.s .- Turkauliya, Distt. - East Champaran, Motihari
 3. Pappu Pal @ Pappu Kumar S/o Indrajeet Pal R/o vill - Barharwa, P.s .- Turkauliya, Distt. - East Champaran, Motihari

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sulekha Devi W/o Ashok Ram R/o vill - Jaisinghpur, Barharwa, P.S .- Turkauliya, Distt. - East Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-07-2025 Heard Mr. Sharda Nand Mishra, learned counsel for

the appellants as well as Ms. Usha Kumari 1, learned Spl.P.P. for

the State.

2. Despite valid service of notice upon respondent
No.2, no one appears on behalf of respondent No.2

3. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
09.07.2024 passed by the learned Court of Special Judge,
SC/ST, East Champaran, Motihari, in connection with



Turkauliya Case No.199 of 2024, F.I.R. dated 06.04.2024 registered under Sections 341, 323, 308, 504, 420, 467, 379(B), 34 of the Indian Penal Code and Sections 3(i) (r), 3(i)(s) 3(2) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that he paid ₹6,50,000 to Shiv Shankar Pal for land, receiving part of it, with a promise to transfer the remaining later. Later, he discovered that Shiv Shankar Pal fraudulently sold the land again using a forged document. When the informant demanded his money back, on 03.04.2024, Shiv Shankar Pal and others came armed, abused the informant and his husband using caste slurs, assaulted them, and injured the husband. Indrajit Pal dragged the informant's wife by her legs, outraging her modesty, while Girja Devi snatched her mangalsutra and spat on her.

5. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. From a bare perusal of F.I.R., it appears that the due to admitted land dispute, the so called present matter has taken place, hence, the provisions under the SC/ST Act shall not be attracted against the appellants and the date of occurrence, as alleged in the F.I.R. is 03.04.2024 but the present F.I.R. had



been instituted on 06.04.2024, after delay of three weeks, without giving any explanation of delay. Apart from that in view of the judgment in the case of ***Hitesh Verma v. State of Uttarakhand & others reported in (2020) 10 SCC 710***, paragraph -18 which reads as under:-

18. Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out.'

6. Hence, from paragraph-18 of the aforesaid judgment and in the background of the land dispute, no case is made out under SC/ST Act against the appellants.

7. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants and submits that there is specific allegation of assault against the appellants in the F.I.R.

8. After hearing the parties, in my view for the



purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

9. Considering the aforesaid facts and circumstances, the appellants have clean antecedent and F.I.R. has been lodged after delay of three days and in the background of land dispute, the present case has taken place, no case is made out against the SC/ST Act, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Turkauliya P.S. Case No.199 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellants shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



ii. If the appellants tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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