

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3053 of 2025

Arising Out of PS. Case No.-38 Year-2022 Thana- SC/ST District- Sheikhpura

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1. Lamboder Pathak S/o- Late Rameshwar Pathak Village- Chandu Kuwa Barbiga Ps- Barbiga Dist- Sheikhpura
 2. Keshav Kumar S/o- Lamboder Pathak Village- Chandu Kuwa Barbiga Ps- Barbiga Dist- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajnish Kumar S/o- Late Ramchandra Chaudhary R/V- Babhan Biga Ps- Barbiga Dist- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Dr. Anjani Pd. Singh, Adv. Mr. Sunny Kumar, Adv. Mr. Saurav Kumar Pandey, Adv.
For the State	:	Mr.Sadanand Paswan, Spl. P.P.
For the Respondent no.2	:	Mr. Sheo Nandan Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 10-11-2025

Heard learned counsel for the appellants, learned counsel for the 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 against the order dated 01.07.2025 passed by the learned District and Additional Sessions Judge-1st-cum-Special Judge, SC & ST Act, Sheikhpura whereby and whereunder the prayer for anticipatory bail of the appellants was rejected in connection with A.B.P. No. 381 of 2025 in Sheikhpura SC & ST P.S. Case No. 38 of 2022, registered for the alleged offences under Sections 341, 323, 504, 506, 406, 420, 419 of the Indian Penal Code and



Sections 3(1)(r)(s)(w) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (P.O.A.) Act and Section 27 of the Arms Act.

3. As per the prosecution case, the appellants duped the complainant of Rs. 4 lakh in the name of transferring a piece of land to him and fled away from the registration office. Further, allegation against the appellants is that they abused him taking his caste name and threatened him with life.

4. The learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. Learned counsel further submits that Shiekhpora P.S. Case No. 38 of 2022 was registered on the basis of complaint of the complainant/respondent no. 2 for the offences under Sections 341, 323, 504, 506, 406, 420, 419 of the Indian Penal Code and Sections 3(1)(r)(s)(w) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (P.O.A.) Act and Section 27 of the Arms Act. Thereafter, police investigated the matter and submitted a closure report finding the case untrue. However, the matter proceeded as the learned Special Court took cognizance in the matter. Learned counsel further submits that it is a case of civil nature and after the appellants refused to transfer the land, the respondent no. 2 could have taken steps for enforcement of his contract with the appellants. Learned counsel further submits that no payment has been made by the respondent no. 2 and he wants the appellants to



register the land in his name without making any payment and for this reason, the appellants left the registry office. Learned counsel further submits that no offences under any of the provisions under Section of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellants as is evident from the complaint itself as no occurrence in public view has taken and no cognizance has been taken against the co-accused. It is completely an imaginary story. Learned counsel reiterates that the complainant wants to cheat the appellants and they are having no criminal antecedent. Learned counsel further submits that appellant no. 1 is 61 years old person and a retired teacher.

5. Learned Spl.P.P. and learned counsel appearing on behalf of the respondent no. 2 vehemently oppose the submission made on behalf of the appellants. Learned counsel for the respondent no. 2 submits that appellants have taken money from respondent no. 2 and refused to register the land in his name. They also abused him taking his caste name.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the civil nature of dispute and further considering strong possibility of false accusation to make out a case under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, let the appellants above named, in the event of their arrest or



surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-1st-cum-Special Judge, SC & ST Act, Sheikhpura in connection with A.B.P. No. 381 of 2025 in Sheikhpura SC & ST P.S. Case No. 38 of 2022, subject to the condition laid down under Section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the appellants.
- (ii) The appellants will remain present on each and every date fixed by the court below, if so required by the learned trial court.

7. Accordingly, the appeal is allowed and the order dated 01.07.2025 is set aside.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	-
CAV DATE	-
Uploading Date	13.11.2025
Transmission Date	13.11.2025

