

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3915 of 2023

Arising Out of PS. Case No.-290 Year-2023 Thana- BODHGAYA District- Gaya

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1. PAPPU SHARMA @ NAGENDRA SHARMA son of Uday Singh Village-
Moniya Ps- Bodhgaya Dist- Gaya
 2. Uday Singh son of Bindeshwar Sharma Village- Moniya Ps- Bodhgaya Dist-
Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Bablu Razak son of Raj Kumar Razak Village- Moniya Ps- Bodhgaya Dist-
Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shivendra Prasad, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-07-2025 Heard Mr. Shivendra Prasad, learned counsel for the

appellants as well as Mr. Sadanand Paswan, 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
17.07.2023 passed by the learned Court of Exclusive Special
Judge SC/ST, Special Court, Gaya in A.B.P. No. 230 of 2023
arising out of Bodhgaya P.S. Case No. 290 of 2023, F.I.R. dated
24.03.2023 registered under Sections 341, 323, 447, 504, 506,



354, 324 & 379/34 of the Indian Penal Code and Sections 3(i) (r) (s)/3(2)(a) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that on 14.03.2023 at 9:30 PM, when the informant along with his wife was at his house, in the meantime, the appellants came with lathi, danda and iron rod and abused and assaulted him. When his wife protested, the accused persons assaulted her also.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. It appears that due to admitted land dispute the present occurrence has taken place and there is case and counter case between the parties and apart from that the present occurrence took place on 14.03.2023 but the informant lodged the present case on 18.03.2023 i.e. after 4 days of the occurrence without giving any reason of delay. Although the informant has received injury but his injury report suggest that injury inflicted upon him is simple in nature and apart from that it appears from the FIR that the occurrence took place in the house of the informant which is not a public place, so no case is made out under SC/ST Act. He further refers to paragraph no.18



of the judgment reported in **(2020) 10 SCC 710 (Hitesh Verma vs. State of Uttarakhand & Anr.)** which is quoted hereinbelow:-

“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. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.

7. 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.

8. Considering the aforesaid facts and circumstances, appellants have clean antecedent and there is case and counter case between the parties and in view of the aforesaid judgment, 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) with two surities of the like amount each to the satisfaction of learned Court of Exclusive Special Judge SC/ST, Special Court, Gaya in connection with Bodhgaya P.S. Case No. 290 of 2023, 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 tampers 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.

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

(Rajesh Kumar Verma, J)

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