

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3800 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- KASMA District- Aurangabad

1.

Saurav Kumar @ Saurav Kumar Verma Son of Bihari Prasad Nirala Resident of village - Apki, P.S.- Kasma, District - Aurangabad.
2.

Banti Kumar @ Banti Kumar Gaurav @ Banty Kumar Gaurav Son of Bihari Prasad Nirala Resident of village - Apki, P.S.- Kasma, District - Aurangabad.

... .. Appellant/s

Versus

1.

The State of Bihar Bihar
2.

Kabutari Devi Wife of Nand Kishore Chaudhary Resident of village - Apki, P.S.- Kasma, District - Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rupa Kumari
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3

11-11-2025

Heard learned counsel for the appellants and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 19/07/2024 passed in A.B.P. No. 1500/2024 by learned Special Judge SC/ST cum 1st Addl. Distt. & Sessions Judge, Aurangabad, by which anticipatory bail filed by the appellants has been rejected in connection with Kasma P.S. case no.- 95/2024, registered for the offence under Sections 126 (2), 115 (2), 74, 352, 351 (2), 351 (3) of I.P.C. and section 3 (2), (va), 3(1), (r), 3 (1) (s) of S.C/S.T. (POA) Act.

3. As per the prosecution case, the appellants are said



to have forcefully dumped construction material over the land of the daughter-in-law of the informant and when the informant opposed the same, they assaulted and abused the informant.

4. Learned counsel for the appellants submits that the appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the occurrence has taken place because of land dispute and therefore the application of the anticipatory bail is maintainable. He further relies upon the Judgment of the Hon'ble Supreme Court in the case of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.*** reported in ***2025 INSC 1067*** and in the case of ***Hitesh Verma Vs. State of Uttarakhand*** reported in ***(2020) 10 SCC 710***.

5. Learned counsel for the State has opposed the prayer of the appellant.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears that a dispute of civil nature is given colour of criminal case.

7. In these circumstances, considering the law laid down by the Hon'ble Supreme Court in the case of ***Kiran Vs. Rajkumar Jivraj Jain and Anr. (Supra)*** and in the case of



Hitesh Verma Vs. State of Uttarakhand (Supra), this application for grant of anticipatory bail is held to be maintainable.

8. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 19/07/2024 passed in A.B.P. No. 1500/2024 by learned Special Judge SC/ST cum 1st Addl. Distt. & Sessions Judge, Aurangabad in connection with Kasma P.S. case no.- 95/2024, is hereby set aside.

9. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST cum 1st Addl. Distt. & Sessions Judge, Aurangabad/concerned Court below in connection with Kasma P.S. case no.- 95/2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

Vikas/-

U			
---	--	--	--

