

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3889 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- NARALI KALA KHURD District-
Aurangabad

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1. Akash Kumar S/O Kamlesh Singh R/O village-Saduri Karma, P.S-Narari Kala Khurd, District-Aurangabad.
 2. Nikash Kumar S/O Kamlesh Singh R/O village-Saduri Karma, P.S-Narari Kala Khurd, District-Aurangabad.

... .. Appellants.

Versus

1. The State of Bihar
2. Madan Paswan @ Madan Ram S/O Late Lagan Paswan R/O Village- Saduri Karma, P.S- Narari Kala Khurd, Distt.- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellants	:	Mrs. Mukul Kumari, Advocate
For the State	:	Mrs. Usha Kumari-1, Special P.P.
For the respondent no.2	:	Mr. Purushotam Sharma, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of respondent no.2.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 07.08.2024 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Narari Kala Khurd P.S. Case No. 41 of 2024 registered under Sections 447, 341, 323, 324, 325, 307, 354, 504 and 506/34 of the Indian Penal Code and Section 3(1) (r), 3 (1)



(s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The case of the prosecution is that while the informant was sitting at his door, three accused persons including these appellants came and abused him and assaulted him with Tangi causing injury on his head. They also assaulted the family members of the appellants.

4. It is submitted by learned counsel for the appellants that the present case arises out of a land dispute and a prior enmity was in existence on account of which Title Suit No.45 of 2021/18 of 2021 is also pending for adjudication. It is further submitted that both the appellants are full brothers and the injuries sustained by the victim is simple in nature. Abusing the informant in the name of caste is said to have been made at the door of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants.

5. Learned Special Public Prosecutor for the State and learned counsel for the respondent no.2 have opposed the prayer for anticipatory bail on the ground of allegations made in the F.I.R.

6. In view of the occurrence, if any, having taken place at the house of the informant, which is not a public view, the provisions of SC/ST Act *prima facie* does not appear to be



attracted.

7. Taking into consideration the facts and circumstances of the case and also considering the background of land dispute coupled with the injury sustained by the victim being simple in nature caused by hard and blunt substance not making out a *prima facie* case under Section 307 IPC, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Aurangabad in connection with Narari Kala Khurd P.S. Case No.41 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./Section 482 (2) of the BNSS, subject to further condition that the appellants will cooperate in the investigation/trial of the case.

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

(Soni Shrivastava, J)

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