

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4464 of 2023

Arising Out of PS. Case No.-264 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Harishankar Prasad son of Late Jagu Sah Village- Bela Ps- Chiraiya Dist- East Champaran
2. Lalsha Devi wife of Harishankar Prasad Village- Bela Ps- Chiraiya Dist- East Champaran
3. Umashankar @ Umashankar Sah son of Late Jagu Sah Village- Bela Ps- Chiraiya Dist- East Champaran
4. Chandan Sah @ Chandran Sah son of Harishankar Prasad Village- Bela Ps- Chiraiya Dist- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms. Alka Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.P.P.
For the Resp. No. 2	:	Mr. Arbind Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-04-2025 Heard Ms. Alka Singh, learned counsel for the appellants, Mr. Arbind Kumar Sharma, learned counsel appearing on behalf of the Respondent No. 2 as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 05.08.2023 passed by the learned Special Judge SC/ST Act, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 264 of 2023, F.I.R. dated 04.06.2023 registered under Sections 420, 406 and 468 of the Indian Penal Code and Sections 1(b)(c)



(g) (r)(s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, these appellants along with other accused persons have abused the informant/complainant and his family members by taking their caste name and also assaulted them by means of *lathi* and *farsa*.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the appellants have not committed any offences as alleged in the F.I.R./complaint petition. She further submits that it appears from the complaint petition/F.I.R that in the background of the land dispute the present complaint/F.I.R has been instituted by the complainant/informant. She further submits that in view of the judgment of the Hon'ble Apex Court in the case of **Hitesh Verma Vs. State of Uttarakhand & Anr. reported in (2020) 10 SCC 710**, in the background of a land dispute, no case is made out under the SC/ST Act.

5. Learned counsel appearing on behalf of the Respondent No. 2 as well as learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellants.



6. 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.

7. Considering the aforesaid facts and circumstances that the appellants have clean antecedent and in view of the judgment (supra) no case is made out under the SC/ST act, let the appellants, above named, in the event of their arrest to 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 Special Judge SC/ST Act, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 264 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 his absence on two consecutive dates without sufficient reason, his 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 his 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.

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

(Rajesh Kumar Verma, J)

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