

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4503 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- SC/ST District- Araria

1. Sonu Bhagat @ Sonu Kumar S/o- Vijay Bhagat R/o Mohalla- Kali Bazar, Ward N. 23,Ps- Araria, Dist- Araria
2. Bishwajit Bhagat @ Bishwajeet Kumar Son of Vijay Bhagat R/o Mohalla- Kali Bazar, Ward N. 23,Ps- Araria, Dist- Araria
3. Vijay Bhagat Son of Raghunath Bhagat R/o Mohalla- Kali Bazar, Ward N. 23,Ps- Araria, Dist- Araria
4. Rajendra Bhagat @ Rajendra Prasad Bhagat Son of Raghunath Bhagat R/o Mohalla- Kali Bazar, Ward N. 23,Ps- Araria, Dist- Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Sulochana Devi Wife of Vijay Kumar Manjhi Village- Shivpuri W.No-9, Ps- Araria Dist- Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ramesh Kumar Singh, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl. P.P.
For Respondent No.2	:	Mr. Nishant Kumar Sinha, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants, learned counsel appearing on behalf of the Respondent No. 2 as well as 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 05.09.2024 passed by the learned Court of 1st Addl. District and Sessions Judge-cum-Special Judge, Araria in connection with Araria SC/ST P.S. Case No.23 of 2024, F.I.R. dated 09.07.2024 registered under Sections 126, 115, 352, 351, 303(2) and 308(3) of the B.N.S and Sections 3(1) (i) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. The case of the prosecution is that the informant



who had purchased the land from the sister of the appellant nos.3 and 4 and was residing in the house made thereupon, was being threatened and demand of money was being made whereafter the appellants also indulged in abuses and assaulting.

4. Learned counsel for the appellants at the outset submits that it would be apparent from the F.I.R that there is delay of two days in lodging of the F.I.R and the allegations of demand of money, threatening etc., have been concocted with further super-imposition of allegations of hurling caste abuses in order to make the case serious in nature. As a matter of fact the land belongs to forefather of the appellants and a title suit is pending with regard to the same. It is further submitted that there is no injury caused to any one in the entire transaction and there is no witness to any caste based abuses, thus, no element of public view is present in the case in order to attract the provisions of 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 based upon the allegation made in the F.I.R.

6. The very fact that F.I.R does not disclose the incident of hurling caste based abuses in presence of any



witnesses coupled with the factum of land dispute, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act *prima facie* seems to be made out against the appellants.

7. Taking into consideration the aforesaid facts and circumstances of the case and also considering the fact that there is delay of two days in lodging of F.I.R which arises out of a land dispute with no serious injuries caused to any one, 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 each of them bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of 1st Addl. District and Sessions Judge-cum-Special Judge, Araria in connection with Araria SC/ST P.S. Case No.23 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Soni Shrivastava, J)

Harsh/-

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