

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4498 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- SC/ST District- Siwan

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1. Uma Kharwar @ Uma Shankar Kharwar Son of Tilakdhari Kharwar Resident of Village - Barhan Gopal, P.S. - Siwan Muffasil, District - Siwan
 2. Sanjay Kumar Kharwar Son of Uma Kharwar @ Uma Shankar Kharwar Resident of Village - Barhan Gopal, P.S. - Siwan Muffasil, District - Siwan
 3. Suraj Kumar Kharwar @ Suraj Kumar Son of Uma Kharwar @ Uma Shankar Kharwar Resident of Village - Barhan Gopal, P.S. - Siwan Muffasil, District - Siwan
 4. Mukesh Kharwar @ Mukesh Kumar Kharwar Son of Maya Kharwar Resident of Village - Barhan Gopal, P.S. - Siwan Muffasil, District - Siwan
 5. Sanjeev Kumar Kharwar @ Sanjiv Kharwar Son of Umesh Kharwar Resident of Village - Barhan Gopal, P.S. - Siwan Muffasil, District - Siwan
 6. Anuraj Kharwar @ Anurag Kumar Kharwar Son of Sudhir Kharwar Resident of Village - Barhan Gopal, P.S. - Siwan Muffasil, District - Siwan

... .. Appellants

Versus

1. The State of Bihar.
2. Raj Kumar Ram Son of Bigu Ram, Resident of Village - Barhan Gopal, P.S. - Siwan Muffasil, District - Siwan.

... .. Respondents

Appearance :

For the Appellant/s : Ms. Kumari Anupam, Advocate
For the Respondent/s : Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 17-11-2025

Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and learned Spl. P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 04.09.2024 passed



by the learned 1st Additional Session Judge-cum-Special Judge, Siwan, whereby and whereunder the prayer for anticipatory bail of the appellants was rejected, in connection with ABP No. 1916 of 2024, arising out of Siwan SC/ST P.S. Case No. 67 of 2024, registered for the alleged offences under Sections 126(2), 115(2), 118(1), 117(2), 109, 329(4), 74, 324(4), 303(2), 352 and 351(2) read with Section 3(5) of the BNS and Sections 3(i)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (PoA) Act.

3. As per the prosecution case, the appellants armed with sword, *farsa*, *dab* and iron-rod abused the informant/Respondent No. 2 taking his caste name and assaulting him with iron-rod causing a number of injuries to him. The assailants also abused and assaulted the mother and brother of informant/Respondent No. 2. They also took away cash and gold chain worth rupees fifty thousand.

4. The learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in the present case. Learned counsel further submits that no injury as alleged has been observed. The injuries of the victims are simple in nature except one injury of the informant/Respondent No. 2 which is fracture of second and



fourth meta-tarsal bone, which is stated to be grievous. He further submits that in the given facts and circumstances no offence under the provisions of SC/ST (PoA) Act is made out against the appellants. Learned counsel for the appellants lastly submits that appellants have got clean antecedent.

5. Learned Spl. P.P. and learned counsel appearing on behalf of informant/Respondent No. 2 vehemently oppose the submissions made on behalf of the appellants. Learned counsel for the informant/Respondent No. 2 further submits that there is specific allegation against the appellants for causing injuries to the informant/Respondent No. 2 and his family members who received injuries at the hands of the appellants.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of alleged injuries and possibility of false accusation, let the appellants above-named, in the event of their arrest or surrender before the Court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand only) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Session Judge-cum-Special Judge, Siwan, in connection with **ABP No. 1916 of 2024, arising out of Siwan**



SC/ST P.S. Case No. 67 of 2024, subject to the condition laid down under Section 482(2) of the B.N.S.S. and other other following conditions:

- (i) One of the bailors will be a close relative of the appellants.
- (ii) The appellants will remain present on each and every date fixed by the learned trial Court, if so required by the learned trial Court.

7. Accordingly, the appeal is allowed and the order dated 04.09.2024 is set aside.

(Arun Kumar Jha, J)

Shahnawaz/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	19.11.2025
Transmission Date	19.11.2025

