

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4568 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- SC/ST District- Madhubani

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1. Bharat Ray @ Bharat Kumar Ray S/O Brahamdev Ray Resident of village - Madhepur , P.S.- Madhepur , District - Madhubani.
 2. Krishnadev Ray S/o Late Ramchandra Ray Resident of village - Madhepur , P.S.- Madhepur , District - Madhubani.
 3. Bishundev Ray S/o Late Ramchandra Ray Resident of village - Madhepur , P.S.- Madhepur , District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Buchiya Devi W/O Chandra Mohan Paswan Resident of village - Madhepur , P.S.- Madhepur , District - Madhubani.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Prakash, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Special PP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 18-11-2025

Present learned counsel for the appellants as well as learned Special PP for the State. However, despite repeated calls, none appears for the respondent no. 2, though Vakalatnama has been filed on behalf of respondent no. 2.

2. Heard learned counsel for the appellants as well as learned special PP for the State.

3. The present appeal has been preferred by the appellants under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of their prayer for anticipatory bail by order dated



09.09.2024 passed by learned Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Madhubani, in connection with Madhubani SC/ST P.S. Case No. 43 of 2024, registered for the alleged offences under Sections 147, 148, 341, 323, 308, 504, 506, 327, 386, 354(B) of the Indian Penal Code and Section 3(1)(r)(s)(F)(wi), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. As per the prosecution case, appellants and other co-accused persons surrounded the informant and humiliated her by abusing and assaulting. The family members of the informant were also assaulted. The assailants also tore the clothes of the informant. The occurrence took place in the background of land dispute.

5. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case. The informant side is aggressor and they tried to capture the land of the appellant no. 3. The appellant no. 3 was brutally assaulted by them. There is no independent witness and from the FIR, it is clear that the occurrence did not take place in public view so as to humiliate the informant as the occurrence took place in the premises of the informant. No details of any land has been given which the appellants tried to forcibly grab.



Nothing has been said in the FIR about the injury caused to the informant or her family members. Regarding the same land, earlier the father-in-law of the informant has given a petition mentioning its *khata* and *kheshra* number but after inquiry, the claim of the father-in-law of the informant was found to be incorrect. The informant side is aggressor and in order to save themselves, they have filed the present case. The appellants have got no criminal history.

6. Learned Special PP opposes the submission made on behalf of the appellants. Learned Special PP submits that there is specific allegation against the appellants for assaulting the informant and her family members by taking their caste name.

7. Perused the record.

8. Having regard to the aforesaid facts and circumstances and submissions made on behalf of the parties and considering the background of land dispute and possibility of false implication and also considering the clean antecedent of the appellants, let the appellants above named, in the even 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 Exclusive Special Judge, SC/ST (Prevention of Atrocities) Act, Madhubani/court concerned in connection with Madhubani SC/ST P.S. Case No. 43 of 2024, subject to the condition laid down under Section 482(2) of BNSS and other following conditions:

- (i) One of the bailors will be the close relative of the appellants.
- (ii) The appellants will remain present on each and every date fixed by the court below.

8. Accordingly, the impugned order dated 09.09.2024 as against the appellants is set aside and the appeal is allowed.

(Arun Kumar Jha, J)

Ashish/-

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

