

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4837 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- KARJA District- Muzaffarpur

Pappu Rai S/O Anant Lal Ray Village- Pakari Pakohi, Ps. Karja, Dist. Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Lakhindra Baitha S/O Late Dhanraj Baitha Village- Pakri Pakohi, Ps. Karja, Dist. Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-04-2025 Heard Mr. Manoj Kumar, learned counsel for the appellant and Ms. Usha Kumari, learned Special Public Prosecutor for the State.

2. Despite of appearance through the Vakalatnama, no one appeared on behalf of the respondent no. 2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 29.09.2023 passed by the learned Special Court of SC & ST (POA) Act, Muzaffarpur, in ABP No. 3191 of 2023 in connection with Karja P.S. Case No. 237 of 2023 F.I.R. dated 13.07.2023 registered under Sections 448, 341, 323, 354(A), 379, 427, 504, 506 and 34 of the Indian Penal Code and Sections 3 (i) (r) (s) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act.

4. According to the prosecution case, the appellant on a petty dispute assaulted the informant and also abused him by taking his caste name.

5. Learned counsel for the appellant submits that appellant has clean antecedent and has falsely been implicated in the present case. The present case is counter blast of Karja P.S. Case No. 91 of 2023 filed by the appellant against the informant and his family members. It appears from the present F.I.R due to admitted land dispute the present occurrence has been taken place and although there is specific allegation against the appellant in the present F.I.R. that he assaulted to the informant but there is no injury report is available on the record which suggests that informant has received any injury. He further submits that in view of the judgment of the Hon'ble Apex Court in paragraph no.18 reported in **(2020) 10 SCC 710 (Hitesh Verma vs. State of Uttarakhand & Anr.)** which is quoted hereinbelow:-

“Therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to



humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out.”

So, in the background of the land dispute, no case is made out under the SC/ST Act.

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellant.

7. 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.

8. Hence, considering the aforesaid facts, the appellant has clean antecedent, the present case is counter blast of Karja P.S. Case No. 91 of 2023 filed by the appellant against the informant and his family members and apart from that in view of aforesaid judgment (supra) no case is made out under



the SC/ST Act, let the appellant, above named, in the event of his 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 sureties of the like amount each to the satisfaction of learned Special Court of SC & ST (POA) Act, Muzaffarpur, in connection with Karja P.S. Case No. 237 of 2023 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 and with other following conditions:-

i. Appellant 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 appellant 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 appellant and in case at any stage it is found that the appellant has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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.

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

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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