

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4833 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- SC/ST District- Siwan

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1. Sri Narayan Upadhyay @ Srinarayan Upadhyay S/o Lalan Upadhyay R/o Village- Bhikhabandh, P.S.- Daraunda, District- Siwan, Bihar
 2. Bali Ram Upadhyay @ Baliram Upadhyay S/o Balmukund Upadhyay R/o Village- Bhikhabandh, P.S.- Daraunda, District- Siwan, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Surendra Manjhi S/o Chandradev Manjhi R/o vill - Ramchandrapur, P.S. - Daraunda, Distt. - Siwan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajat Tiwary, Adv. Mr. Mukesh Kant, Adv. Mrs. Deepika Sharma, Adv
For the Respondent/s	:	Mr. Usha Kumari 1, APP
For the informant	:	Mr. Chandra Shekhar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 12-11-2025 Heard the parties.

2. This appeal has been filed for setting aside the order dated 27.09.2024 passed by the court of Learned Additional & Sessions Judge-l-cum-Special Judge, Siwan in Siwan SC/ST P.S. Case No. 69/2024 dated 02.08.2024 registered for the offences punishable under Sections 126 (2), 318 (4), 352, 351 (2), 61 (2) & 3 (5) of BNS Act and Sections 3 (1) (r) (s) (f) (g) SC/ST Act by which the bail of the appellant has been rejected.

3. As per the prosecution story, the informant alleged



that when the land which was purchased by his ancestor from the ancestor of the appellants, they were tilling the land but in the year 2024 (27.06.2024), 12 dhur was transferred in the name of the appellants herein. Thereafter, they came, took caste name, threatened of dire consequences if they ever moved on the said land. This led to the FIR.

4. Learned counsel for the appellants submit that the belated FIR filed by the informant is only to coerce them not to go on the agricultural land which is their ancestral common property. The rent receipt of the year 2023 has been annexed to show that even prior to the date that has been incorporated by the informant, they were paying the rent to the Government. There is nothing on record to show that the utterances have been made in public view attracting the SC/ST act.

5. In this case on 11.12.2024, the Co-ordinate Bench while adjourning the matter, directed the Spl. P.P. to inform the informant/complainant.

6. As per the report of the S.P., Siwan, it has been validly served upon the respondent no. 2.

7. Learned Spl.P.P. submits that a perusal of the FIR would show that caste name was taken and further threatened of dire consequences.



8. Considering the submissions of the parties as also that prima facie, the allegation of taking caste name is not made out, it is purely a land dispute between the parties, allegation is there, they shall be facing the music, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

7. The impugned order dated dated 27.09.2024 passed by the court of Learned Additional & Sessions Judge-l-cum-Special Judge, Siwan in Siwan SC/ST P.S. Case No. 69/2024 dated 02.08.2024 stands set aside and the appeal is allowed.

8. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional & Sessions Judge-l-cum-Special Judge, Siwan in connection with Siwan SC/ST P.S. Case No. 69/2024.

(i) one of the bailor should be the family members/relatives of the appellants, who shall provide official document to show his *bona fide*;

(ii) the appellants shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the appellants shall appear before the concerned police station every month for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(iv) the appellants shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the appellants shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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