

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4275 of 2025

Arising Out of PS. Case No.-268 Year-2025 Thana- ADAPUR District- East Champaran

1. Chandan Pandey S/O Ram Keshwar Pandey Resident of Village- Shyampur, P.S.- Adapur, Distt.- East Champaran, Motihari
2. Rahul Pandey S/O Ram Keshwar Pandey Resident of Village- Shyampur, P.S.- Adapur, Distt.- East Champaran, Motihari

... .. Appellant/s

Versus

1. The State of Bihar
2. Rambha Devi W/O Gopi Paswan Resident of Village- Shyampur, Ward No. 13, P.O. and P.S.- Adapur, Distt.- East Champaran

... .. Respondent/s

Appearance :

For the Appellants	:	Mrs. Namita Sharma, Advocate Mr. Anshu Dhar Sharm, Advocate
For the State	:	Mrs .Usha Kumari-1, Special P.P.
For the Informant	:	None

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-12-2025 Heard learned counsel for the appellants and Mrs. Usha Kumari-1, learned Special P.P. for the State. None appears on behalf of the informant.

2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 03.09.2025, passed by learned Exclusive Special Judge, SC/ST Act, East Champaran, Motihari in connection with Adapur P.S. Case No.268 of 2025, registered under Sections 115(2), 126(2), 118(1), 329(4), 303(2), 74, 76, 109, 351(1), 352 and 3(5) of B.N.S.,2023 as well as



Sections 3(i)(r),(s)(w) and 3(2)(va) of SC/ST (POA) Act.

3. Learned counsel appearing on behalf of the appellants submits that in the event if privilege of anticipatory bail is not granted to the appellants in the nature of allegations, as alleged in the FIR, that would amount travesty of justice and would amount to perpetuating an illegality. It is next submitted that appellant no.1 has antecedents of six cases and appellant no.2 has antecedents of two cases but then merely because appellants have antecedents that should not persuade the Court not to consider their case on merits. It is further submitted that informant alleges that in a raid, liquor was recovered from a place near the house of the informant, as such, informant came to be implicated, further Rahul Pandey took Rs.25,000/- from her on the pretext of getting her name deleted from the police case, next alleges that thereafter Rahul Pandey demanded Rs.10,000/- more, as such, she after selling her daughter's ornament gave Rs.10,000/-, but Rahul Pandey later informed that case has progressed, as such, her name would not be deleted and Rs.35,000/- would be returned, next alleges that on 12.07.2025 she met Rahul Pandey at Shyampur crossing and asked to return her money, when Rahul Pandey abused, assaulted and unveiled her and snatched her *Mangalsutra* worth Rs.25,000/-, thereafter Kundan Pandey tore her blouse and abused by taking caste name, on alarm, her daughter came to save her when Kundan



Pandey abused her by taking caste name and tried to tear her blouse and when her husband came to save them, Chandan Pandey assaulted him and also abused by taking caste name and snatched Rs.5,000/-.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations, as alleged in the FIR, it would manifest that the date of occurrence is 12.07.2025 and the FIR came to be instituted on 15.07.2025. It is also submitted that informant herself in the FIR admits that she was implicated in a police case, as such, she gave money to Rahul Pandey for getting her name deleted from the police records which in itself is an illegality. It is also submitted that appellants never demanded any money from the informant. It is next submitted that even presuming what has been alleged is true without admitting then the informant had given money for committing an illegality and if the privilege of anticipatory bail is denied to the appellants, in that event, the same would amount to perpetuating an illegality. It is further submitted that no doubt it is alleged that Rahul Pandey abused, assaulted and unveiled her along with Chandan Pandey and Kundan Pandey but then from perusal of the allegations, as alleged in the FIR, it would manifest that the same does not even remotely suggest that the occurrence was witnessed by any



independent witness. It is also submitted that the instant case has been instituted only with a view to coerce the appellants into submission so that they part with the fanciful demand of the informant. It is next submitted that SC/ST Act was enacted with a laudable object but then its misuse has become a rampant.

5. The learned Special P.P. opposes the appeal.

6. Considering the submissions made by learned counsel for the appellants, let appellants, above named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Adapur P.S. Case No.268 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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