

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5066 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- GORIAKOTHI District- Siwan

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1. Nand Koshore Singh @ Nand Kumar Singh @ Nand Kishore Rai S/O Baikunth Singh R/O Village- Shadipur, P.S- Goreyakothi, Distt.- Siwan, Bihar.
 2. Rishaw Singh @ Rishu Kumar S/O Nand Kishore Singh @ Nand Kumar Singh @ Nand Kishore Rai R/O Village- Shadipur, P.S- Goreyakothi, Distt.- Siwan, Bihar.
 3. Chunchun Singh S/O Baban Singh @ Kapildeo Singh R/O Village- Shadipur, P.S- Goreyakothi, Distt.- Siwan, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Anutosh Manjhi S/O Late Sharda Manjhi R/O Village- Shadipur, P.S- Goreyakothi, Distt.- Siwan, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prashant Kumar, Advocate
For the Resp. No. 2	:	Mr. Akhilesh Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-04-2025 Heard Mr. Prashant Kumar, learned counsel for the appellants, Mr. Akhiklesh Kumar, learned counsel for the Respondent No. 2/Informant as well as Mr. Binay Krishna, learned Special Public Prosecutor for the State.

2. This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by order dated 30.09.2023 in A.B.P. No. 1954 of 2023 passed by the learned Additional Sessions Judge-I-cum- Special Judge



(SC/ST Act), Siwan in connection with Goreyakothi P.S. Case No. 143 of 2023 registered under Sections 341, 354, 379, 504, 34 of the Indian Penal Code and Sections 3(i) (r)(s) of the SC & ST (Prevention of Atrocities) Act.

3. Allegation against the appellants is that they along with other co-accused persons having armed with lathi, danda, farsa rod and bhala came and assaulted the informant and abusing his caste name.

4. Learned counsel for the appellants submits that the appellants have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the record that earlier the appellant no. 1 had filed a case bearing Goreyakothi P.S. Case No. 121 of 2023 on 02.05.2023 against the informant and seven others persons for grabbing his private land and it appears from the F.I.R. itself that due to admitted land dispute the present occurrence had taken place and after the filing of the aforesaid F.I.R. by the appellant no. 1, the Respondent No. 2 has filed the present F.I.R. on 17.05.2023 which suggests that the Respondent No. 2 has filed the present case only to falsely implicate the appellants and apart from that the Hon'ble Apex Court has pronounced several number of judgments in view of one of the judgments of the



Hon'ble Apex Court in the case of **Hitesh Verma Vs. The State of Uttarakhand & Anr., reported in (2020) 10 SCC 710, paragraph-18** which reads as follows:-

“18. 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.

5. Paragraph-18 of the aforesaid judgment and in the background of the land dispute, no case is made out under SC/ST Act against the appellants.

6. Learned counsel for the Respondent No. 2 as well as learned Special Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the



appellants and submits that there is specific allegation against the appellants that they have assaulted the informant and his family members.

7. Considering the aforesaid facts and circumstances of the case and the fact that the appellants having clean antecedents and the present F.I.R. is instituted only in retaliation to Goreyakothi P.S. Case No. 121 of 2023 which was filed by the appellant no. 1 and apart from that in view of the judgment of Hon'ble Apex Court as mentioned aforesaid, no case is made out under SC/ST Act, let the appellants, above named, in the event of their arrest or 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) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge (SC/ST Act), Siwan in connection with Goreyakothi P.S. Case No. 143 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 along with other following conditions :-

(1) Appellants 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the appellants tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the appellants. 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.

8. Accordingly, the impugned order dated 30.09.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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