

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5535 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- CHHAURADANO District- East
Champaran

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1. SATYENDRA SAH SON OF LAXAMI SAH RESIDENT OF VILLAGE - DHARHARI, P.S. - CHHAURADANO, DISTRICT - EAST CHAMPARAN, MOTIHARI
 2. RAVINDRA SAH @ RAVINDRA KUMAR SON OF LAXAMI SAH RESIDENT OF VILLAGE - DHARHARI, P.S. - CHHAURADANO, DISTRICT - EAST CHAMPARAN, MOTIHARI
 3. UMESH SAH SON OF BIJULI SAH RESIDENT OF VILLAGE - DHARHARI, P.S. - CHHAURADANO, DISTRICT - EAST CHAMPARAN, MOTIHARI
 4. GULABIYA DEVI WIFE OF SATYENDRA SAH RESIDENT OF VILLAGE - DHARHARI, P.S. - CHHAURADANO, DISTRICT - EAST CHAMPARAN, MOTIHARI
 5. BHIKHAINIYA DEVI WIFE OF RAJESHWAR SAH RESIDENT OF VILLAGE - DHARHARI, P.S. - CHHAURADANO, DISTRICT - EAST CHAMPARAN, MOTIHARI
 6. SUMAN SAH SON OF RAJESHWAR SAH RESIDENT OF VILLAGE - DHARHARI, P.S. - CHHAURADANO, DISTRICT - EAST CHAMPARAN, MOTIHARI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. GOPALJI BAITHA SON OF DHANNIP BAITHA RESIDENT OF VILLAGE - DHARHARI, P.S. - CHHAURADANO, DISTRICT - EAST CHAMPARAN, MOTIHARI

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP
For the Respondent No.2:	:	Mr. Vijay Shankar Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-05-2025 Heard Mr. Rajesh Kumar, learned counsel for the

appellants, Mr. Vijay Shankar Shrivastava, learned counsel for

the Respondent No.2 as well as Mr. Sadanand Paswan, learned



Spl.P.P. for the State.

2. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated 30.05.2023 passed by the learned Court of Special Judge SC/ST Act, East Champaran, Motihari in connection with Chhauradano P.S. Case No. 161 of 2022, F.I.R. dated 29.05.2022 registered under Sections 341, 323, 354(B), 379, 504, 506/ 34 of the Indian Penal Code and Sections 3(x), iii, (iv) (v) (xv) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant alleged that when he was making pucca construction on his land which was given by the government, the appellants arrived and assaulted him by means of *lathi*, *danda* and abused him by his caste name. It is further alleged that one of the appellant, namely, Satendra Sah snatched Rs.25,000/- from his pocket.

4. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R./complaint petition is false and fabricated and apart from that from bare perusal of the F.I.R./complaint petition, it transpires that due to admitted land dispute, the present occurrence took place. He further refers to



paragraph no.18 of the judgment 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.”

5. Learned Special Public Prosecutor for the State and learned counsel for Respondent No.2 have vehemently opposed the prayer for bail of the appellants.

6. 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.

7. Considering the aforesaid facts and circumstances, appellants have clean antecedents and in view of averments made in the aforesaid judgment, no case under SC/ST Act is



made out, let the appellants, above named, in the event of their 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 surities of the like amount each to the satisfaction of learned Court of Special Judge SC/ST Act, East Champaran, Motihari in connection with Chhauradano P.S. Case No. 161 of 2022, 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. 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 bond shall be cancelled by the Court below.

ii. If the appellants 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 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 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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