

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5584 of 2023

Arising Out of PS. Case No.-520 Year-2023 Thana- SHAHPUR District- Patna

-
1. Sarita Devi W/o Sanjay Rai R/o VILLAGE-HATHIYAKAND, P.S-SHAHPUR, DISTRICT-PATNA
 2. Ravi Kumar S/o Shiv Rai R/o VILLAGE-HATHIYAKAND, P.S-SHAHPUR, DISTRICT-PATNA
 3. Kameshwar Rai S/o Butan Rai R/o VILLAGE-HATHIYAKAND, P.S-SHAHPUR, DISTRICT-PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. MANJU DEVI W/O MAMTA CHAUDHARY R/o VILLAGE-SIKARPUR, P.S-SHAHPUR, DISTRICT-PATNA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Singh, Advocate
For the Resp.No.2	:	Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-07-2025 Heard Mr. Sanjay Kumar Singh, learned counsel for the appellants, Mr. Gajendra Kumar Singh, 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 10.11.2023 passed by the learned Court of Exclusive Special Court, SC/ST Act, Patna in connection with Shahpur P.S. Case No. 520 of 2023, F.I.R. dated 02.08.2023 registered under Sections 143, 341, 323, 324, 307, 354, 504, 506 & 379 of the Indian Penal Code and Sections 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes Act.



3. According to the prosecution case, the informant alleged that on 02.08.2023 at about 10 A.M, when she was working with her *gotni* in the field of one Parmeshwar Kumar, in the meantime, the appellants arrived armed with lathi, rod & etc, and abused and assaulted her and also snatched Jitya from her neck. It is further alleged that the accused person assaulted the land owner also.

4. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the present case. From bare perusal of the FIR it appears that due to admitted land dispute the present occurrence has taken place. Although the appellants are named in the FIR but there is no specific allegation of assault or overt act or abusing in the name of caste against these appellants rather specific allegation is attributed against co-accused person, namely, Sanjay Rai, Rahul Kumar, Uday Rai and Vinay Rai. 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 as well as learned counsel for the Respondent No.2 have vehemently opposed the prayer for bail of the appellants. He further submits that appellant nos. 3 & 4 have clean antecedent and appellant nos.1 & 2 have one criminal antecedents other than the present one.

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 and in view of the aforesaid judgment, 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) with two surities of the like amount each to the satisfaction of learned Court of Exclusive Special Court, SC/ST Act, Patna in connection with Shahpur P.S. Case No. 520 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. 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)

Suruchi/-

U		T	
---	--	---	--

