

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.161 of 2024

Arising Out of PS. Case No.-48 Year-2023 Thana- DARPA District- East Champaran

1. BELASH SAH @ RAM BELASH SAH SON OF LATE SHIV NAN SAH
RESIDENT OF VILLAGE - BELAHIYA, P.S. - DARPA, DISTRICT -
EAST CHAMPARAN
2. LALAN SAH SON OF JOKHAN SAH RESIDENT OF VILLAGE -
BELAHIYA, P.S. - DARPA, DISTRICT - EAST CHAMPARAN
3. RAMESH SAH @ SURESH KUMAR GUPTA SON OF ACHE LALL SAH
@ ACHE LAL SAH RESIDENT OF VILLAGE - BELAHIYA, P.S. -
DARPA, DISTRICT - EAST CHAMPARAN
4. ACHE LALL SAH @ ACHE LAL SAH SON OF LATE SUNAR SAH
RESIDENT OF VILLAGE - BELAHIYA, P.S. - DARPA, DISTRICT -
EAST CHAMPARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. RANJEET PASWAN SON OF RAM SAKAL PASWAN RESIDENT OF
VILLAGE - BELAHIYA, P.S. - DARPA, DISTRICT - EAST
CHAMPARAN

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-07-2025 Heard Mr. Vijay Shankar Shrivastava, learned
counsel for the appellants, Mr. Dhananjay Kumar No.2, 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
31.10.2023 passed by the learned Special Judge SC/ST Act, East



Champaran, Motihari, in connection with Darpa P.S. Case No.48 of 2023, F.I.R. dated 04.05.2023 registered under Sections 341, 323, 504/34 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, on 03.05.2023 at around 4:00 AM, while the informant was filling soil on his land, several co-villagers, including the appellants, arrived. Sona Lal Sah and Rahim Mian allegedly abused him using caste slurs, and others also joined in, assaulted him, and demanded his land as extortion (rangdari), threatening to kill him if he refused. When the informant denied, he was dragged to Sona Lal Sah's house. His brothers, Rajesh and Rajan Paswan, who came to help, were also assaulted. Mukti Rai allegedly hit the informant on the head with an iron rod, causing head injuries, and Chote Lal Sah assaulted him on the back with a weapon. During the assault, Mishri Rai snatched a gold Hanuman locket from the informant. Neighbors eventually came and rescued him.

4. Learned counsel for the appellants submits that appellants have clean antecedents and they have falsely been implicated in the present case and the appellants have not committed any offence, as alleged in the F.I.R. Although, the



appellants are named in the F.I.R. but from a bare perusal of the F.I.R., it appears there is no allegation of any assault or overt act attributed against the appellants rather the allegation is general and omnibus against all the accused persons, including the appellants. So far as allegation of abuse by caste name is concerned, there is also no specific allegation against the appellants rather the allegation is general and omnibus against all the accused persons, including the appellants and as far as injury is concerned, the injury inflicted upon the injured person, is simple in nature caused by hard and blunt substance.

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 and submits that the appellants are named in the F.I.R. and apart from that, they with a common intention, abused the informant.

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, the appellants have clean antecedent and there is no allegation of any assault, overt act or abuse the informant by his caste name against the appellants rather there is general and omnibus



allegations against all the accused persons, including the appellants, hence, no case is made out under the SC/ST Act against the appellants, 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 Court of Special Judge SC/ST Act, East Champaran, Motihari, in connection with Darpa P.S. Case No.48 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 tamper 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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