

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5665 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- SC/ST District- Jehanabad

-
-
1. Dileep Singh Son Of Pradip Singh Resident Of Village - Kamariya (Quamaria), P.S. - Kurtha, District - Arwal
 2. Sintu Singh Son Of Pradip Singh Resident Of Village - Kamariya (Quamaria), P.S. - Kurtha, District - Arwal
 3. Santosh Singh Son Of Pradip Singh Resident Of Village - Kamariya (Quamaria), P.S. - Kurtha, District - Arwal
 4. Shyam Vijay Singh Son Of Pradip Singh Resident Of Village - Kamariya (Quamaria), P.S. - Kurtha, District - Arwal
 5. Akshay Singh Son Of Pradip Singh Resident Of Village - Kamariya (Quamaria), P.S. - Kurtha, District - Arwal
 6. Gautam Singh Son Of Pradip Singh Resident Of Village - Kamariya (Quamaria), P.S. - Kurtha, District - Arwal

... .. Appellant/s

Versus

1. The State Of Bihar
2. Devmuni Devi Wife Of Ramrup Rajak Resident Of Village - Kamariya (quamaria), P.S. - Kurtha, District - Arwal

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Paras Nath, Advocate
for the Resp. No. 2	:	Mr. Rabindra Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 06-05-2025 Heard Mr. Paras Nath, learned counsel for the appellants, Mr. Rabindra Kumar, learned counsel for the Respondent No. 2/Informant as well as Mr. Sadanand Paswan, 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 10.10.2023 in A.B.P. No. 1611 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge SC/St, Jehanabad in connection with Arwal SC/ST P.S. Case No. 15 of 2023 registered under Sections 147, 148, 341, 323, 379, 307, 504, 506 of the Indian Penal Code and Sections 3(1), (r), (s), 3(2)(va) of the SC & ST (Prevention of Atrocities) Act.

3. Allegation against the appellants is that they along with other co-accused persons have assaulted the informant on her head by brick batting and abusing her using caste name by '*Dhobi*'.

4. Learned counsel for the appellants submits that the appellant no. 2 having clean antecedent and appellant nos. 1, 4 and 6 carry two more cases other than the present one and appellant nos. 3 and 5 carry one more case other than the present one and they have been falsely implicated in the present case due to admitted land dispute between the parties. He further submits that there is case and counter case between the parties and although there is specific allegation against the appellants that they have assaulted the informant and her family members. Although, some of the family members of the informant have received injuries but the injury report of the injured persons suggests that the injuries are simple in nature



and apart from that one Title Suit No. 176 of 2022 is pending between the parties and in view of the judgment 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. Although, as per allegation in the F.I.R. the appellants have abused the informant by taking her caste name.

6. Learned counsel for the Informant 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 the appellant no. 2 having clean



antecedent, appellant nos. 1, 4 and 6 carries two more cases other than the present one and appellant nos. 3 and 5 carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that all the appellants except appellant no. 2 are on bail in the pending matters.

7. Considering the aforesaid facts and circumstances of the case and the fact that the injuries inflicted upon the injured persons are simple in nature and in the background of the land dispute and in view of the judgment of Hon'ble Apex Court as mentioned aforesaid, no case is made out under the 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 1st Additional Sessions Judge, Jehanabad in connection with Arwal SC/ST P.S. Case No. 15 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 10.10.2023 is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

Ibrar//-

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

