

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.148 of 2024

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

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1. SONA LALL SAH @ SONA LAL SAH SON OF JAI RAM SAH R/O VILLAGE- BELAHIYA, P.S.- DARPA, DIST.- EAST CHAMPARAN
 2. RAHIM MIAN @ RAHIM ANSARI SON OF LATE ISHRAIL MIAN R/O VILLAGE- BELAHIYA, P.S.- DARPA, DIST.- EAST CHAMPARAN
 3. Mukti Rai S/o Late Chanderadeo Rai R/O VILLAGE- BELAHIYA, P.S.- DARPA, DIST.- EAST CHAMPARAN
 4. Chote Lall Sah @ Chote Lal Sah S/o Late Sunar Sah R/O VILLAGE- BELAHIYA, P.S.- DARPA, DIST.- EAST CHAMPARAN
 5. Hari Rai S/o Late Faujdar Rai @ Late Faudar Rai R/O VILLAGE- BELAHIYA, P.S.- DARPA, DIST.- EAST CHAMPARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RANJEET PASWAN SON OF RAM SAKAL PASWAN R/O VILLAGE- BELAHIYA, P.S.- DARPA, DIST.- EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 5 24-06-2025 1. Vide order dated 29.03.2024, the bail application with respect to appellant no.3, namely, Mishri Rai has been dismissed as withdrawn.
2. Heard Mr. Vijay Shankar Shrivastava, learned counsel for the appellants as well as Mr. Sadanand Paswan, learned Spl.P.P. for the State.
3. Despite valid service of notice upon Respondent No.2, no one appeared on behalf of Respondent No.2.
4. 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 Court of Special Judge, SC/ST Act, East Champaran, Motihari in A.B.P No.5231 of 2023 arising out of 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.

5. According to the prosecution case, the informant alleged that on 03.05.2023, when he was accumulating soil on his land, the appellants came and assaulted him and abused him by caste name. It is further alleged that they dragged the informant to his house and assaulted him and his family members by rod.

6. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. It appears from FIR that due to admitted land dispute the present occurrence took place. Although the informant received injury but his injury report (Annexure-2 series) suggest that the injury sustained by him is simple in nature. 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 has 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 antecedent and the injury sustained by the informant is simple in nature and due to admitted land dispute the present occurrence took place 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 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 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 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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