

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5598 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- SC/ST District- Purnia

Md. Barho SON OF LATE MD. SULTAN RESIDENT OF VILLAGE-
BASANTPUR PATKALI, PS- RUPOULI, DISTT- PURNEA

... .. Appellant/s

Versus

1. The State of Bihar
2. SUSHILA DEVI WIFE OF LATE BUTAN @ BUDHAN RAVIDAS
HARIJAN RESIDENT OF VILLAGE- BASANTPUR PATKALI, PS-
RUPOULI, DISTT- PURNEA

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajit Kumar Singh, Advocate
For the Resp. No.2	:	Mr. Rohit Raj, Advocate
For the State	:	Mrs. Usha Kumari 1, Spl.PP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-06-2025 Heard Mr. Ajit Kumar Singh, learned counsel for the
appellant, Mr. Rohit Raj, learned counsel for the Respondent No.2
as well as Mrs. Usha Kumari 1, 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
22.11.2023 passed by the learned Court of Special Judge, Sc/ST
Act. Purnea A.B.P. No. 128 of 2023 arising out of SC/ST P.S. Case
No. 47 of 2022, F.I.R. dated 26.11.2022 registered under Sections
341, 323, 379, 384/ 34 of the Indian Penal Code and Sections 3(i)
(r) (s) of the Scheduled Castes and Scheduled Tribes Act.

3. According to the prosecution case, the informant
alleged that on 09.12.2020, the appellant along with other accused



persons came to his land and forbid him from sowing maize and demanded ransom of Rs. One Lac. When the informant refused to pay the ransom then the appellants and other accused persons assaulted him by *lathi*, fists and slap and forcibly lifted two bags of maize worth of Rs.4000/-.

4. Learned counsel for the appellant submits that appellant has clean antecedent and he has falsely been implicated in the present case. It appears from the FIR that due to admitted land dispute the present occurrence took place. Although the appellant is named in the FIR but there no specific allegation of assault or overt act against the appellant rather the allegations levelled against the appellant are general and omnibus 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 appellant and submits that the appellant humiliated 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, appellant has clean antecedent and there is no specific allegation against the appellant and in view of the aforesaid judgment, no case is made out under SC/ST Act, let the appellant, above named, in the event of his 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. Purnea in connection with SC/ST P.S. Case No. 47 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. Appellant 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant 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 appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. 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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