

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5602 of 2024

Arising out of PS. Case No.-12 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Beena Chaudhary @ Veena Devi Wife of Rajeev Chaudhary @ Raj Kumar Chaudhary Resident of Village - Nagwash, P.S. - Arer, District - Madhubani
 2. Gulshan Chaudhary Son of Lallu Chaudhary @ Ram Lal Chaudhary @ Ram Lala Chaudhary Resident of Village - Nagwash, P.S. - Arer, District - Madhubani
 3. Raj Kumar @ Ram Kumar Chaudhary @ Raj Kumar Chaudhary Son of Vijay Chaudhary Resident of Village - Nagwash, P.S. - Arer, District - Madhubani
 4. Sanjay Kumar Chaudhary @ Sanjay Chaudhary Son of Vijay Chand Chaudhary Resident of Village - Nagwash, P.S. - Arer, District - Madhubani
 5. Ram Subhag @ Ram Subhag Chaudhary @ Pappu Chaudhary Son of Late Jogi Chaudhary @ Late Yogendra Chaudhary Resident of Village - Nagwash, P.S. - Arer, District - Madhubani
 6. Deepak Chaudhary Son of Ram Bharos Choudhary Resident of Village - Nagwash, P.S. - Arer, District - Madhubani
 7. Ram Bharos Choudhary Son of Late Jogi Chaudhary @ Late Yogendra Chaudhary Resident of Village - Nagwash, P.S. - Arer, District - Madhubani
 8. Ramnath Chaudhary @ Ram Nath Chaudhary Son of Late Jogi Chaudhary @ Late Yogendra Chaudhary Resident of Village - Nagwash, P.S. - Arer, District - Madhubani
 9. Ram Lala Chaudhary @ Ram Lal Chaudhary @ Lallu Chaudhary Son of Late Jogi Chaudhary @ Late Yogendra Chaudhary Resident of Village - Nagwash, P.S. - Arer, District - Madhubani
 10. Rajiv Kumar Chaudhary @ Rajiv Chaudhary Son of Vijay Chand Chaudhary Resident of Village - Nagwash, P.S. - Arer, District - Madhubani
 11. Paras Chaudhary Son of Lallu Chaudhary @ Ram Lala Chaudhary @ Ram Lal Chaudhary Resident of Village - Nagwash, P.S. - Arer, District - Madhubani
 12. Ramchandra Rai Son of Rudal Rai Resident of Village - Nagwash, P.S. - Arer, District - Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramdiya Devi, Wife of Late Ganeshi Saday Resident of Village - Nagwash, P.S. - Arer, District - Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Subhash Kumar Jha, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. PP
For the Complainant	:	Mr. Prabhakar Thakur, Advocate



CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 10-11-2025 Heard learned counsel for the appellants, learned counsel for the Complainant and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 28.11.2024 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge, (SC/ST, Act), Madhubani passed in ABP No. 1928 of 2024, in connection with C.R. Case No. 12 of 2022, registered under Sections 147, 148, 341, 323, 354(B), 384, 427, 452 and 506/34 of Indian Penal Code and Section 3(i)(x) of S.C./ S.T. Act by which anticipatory bail of the appellants have been rejected.

3. As per the prosecution case, the allegation against the appellants is that they are said to be trying to capture the land of the complainant and are accused of abusing the complainant by taking caste names.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the main thrust of allegation is because of land dispute and not because of prosecution side belonging to the SC/ST community, therefore, not even a *prima facie* case is made out and consequently, this application for anticipatory bail is



maintainable. He relies upon the Judgment of the Hon'ble Supreme Court in the case of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.*** reported in ***2025 INSC 1067*** and in the case of ***Hitesh Verma Vs. State of Uttarakhand*** reported in ***(2020) 10 SCC 710***. Learned counsel for the appellants further submits that from the reading of the complaint it appears to be a *mala fide* prosecution of land dispute.

5. Learned counsel for the Complainant as well as learned counsel for the State have vehemently opposed the prayer for bail of the appellants.

6. I have considered the submissions of the parties and perused the materials on record.

7. From reading of the Complaint, it appears that the occurrence has taken place on account of land dispute between the parties and it does not appear that offence has been committed against the complainant on the ground that she is a member of S.C./S.T. community.

8. Considering the aforesaid facts and *mala fide* prosecution and also the law laid down by the Hon'ble Supreme Court in the case of ***Kiran vs. Rajkumar Jivraj Jain and Anr.*** (*Supra*) and in the case of ***Hitesh Verma Vs. State of Uttarakhand*** (*supra*), this application for grant of anticipatory



bail is held to be maintainable.

9. Having considered the submissions of the parties and also considering the facts of the case, this appeal is allowed. Accordingly, the order dated 28.11.2024 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge, (SC/ST, Act), Madhubani passed in ABP No. 1928 of 2024, in connection with C.R. Case No. 12 of 2022, registered under Sections 147, 148, 341, 323, 354(B), 384, 427, 452 and 506/34 of Indian Penal Code and Sections 3(i)(x) of S.C./ S.T. Act, is hereby set aside.

10. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I-cum-Special Judge, (SC/ST, Act), Madhubani in connection with C.R. Case No. 12 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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