

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5589 of 2023

Arising Out of PS. Case No.-505 Year-2023 Thana- MADANPUR District- Aurangabad

1. CHINTA DEVI W/O SHAMBHU SINGH R/O VILLAGE- DEVI BIGHA, P.S- MADANPUR, DISTT.- AURANGABAD.
2. DEEPAK KUMAR @ DEEPAK SINGH @ DEEPAK KUMAR SINGH S/O SHAMBHU SINGH R/O VILLAGE- DEVI BIGHA, P.S- MADANPUR, DISTT.- AURANGABAD.
3. RINKI DEVI @ GUDIYA DEVI W/O DEEPAK KUMAR @ DEEPAK SINGH @ DEEPAK KUMAR SINGH R/O VILLAGE- DEVI BIGHA, P.S- MADANPUR, DISTT.- AURANGABAD.
4. SHAMBHU SINGH S/O LATE MANA SINGH R/O VILLAGE- DEVI BIGHA, P.S- MADANPUR, DISTT.- AURANGABAD.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SUNITA DEVI W/O BALA RAJAK R/O VILLAGE- DEVI BIGHA, P.S- MADANPUR, DISTT.- AURANGABAD.

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Mukul Kumari, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-06-2025 Heard Mrs. Mukul Kumari, learned counsel for the appellants as well as Mrs. Usha Kumari 1, learned Spl.P.P. for the State.

2. Despite valid service of notice upon the Respondent No. 2, no one appeared on behalf of the Respondent No. 2.

3. This is an appeal under Sections 14(A)(2) against refusal of the prayer for anticipatory bail by order dated



04.12.2023 passed by the learned Court of Special Judge(SC/ST)-cum-1st Additional District & Sessions Judge, Aurangabad in A.B.P No.2272 of 2023 arising out of Madanpur P.S. Case No. 505 of 2023, F.I.R. dated 18.11.2023 registered under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i)(ii), 3(2)(va) of the Scheduled Castes and Scheduled Tribes Act.

4. According to the prosecution case, the informant alleged that on 17.11.2023, when the husband of the informant was ploughing the field, in the meantime, the appellants arrived and started assaulting and abused him. Then the appellants came at the house of the informant and assaulted the informant and her children and abused her by taking her caste name.

5. Learned counsel for the appellants submits that appellants have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR that due to admitted land dispute the present occurrence took place and there is case and counter case between the parties and the occurrence took place at the house of the informant which is not a public place, so no case is made out under SC/ST Act and apart from that there is no specific allegation against the appellants rather the allegation levelled against the appellants



are general and omnibus. Although the informant side received injury but the injury report suggest that injury sustained by the injured persons is simple in nature caused by hard and blunt substance. 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.”

6. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the appellants.

7. 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.

8. Considering the aforesaid facts and circumstances, the appellants have clean antecedent and there is case and



counter case between the parties and in view of the judgment mentioned above, no case is made out under 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) with two surities of the like amount each to the satisfaction of learned Court of Special Judge(SC/ST)-cum-1st Additional District & Sessions Judge, Aurangabad in connection with Madanpur P.S. Case No. 505 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.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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