

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5738 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- Badem P.S. District- Aurangabad

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1. Ankit Kumar @ Ankit Kumar Singh S/o Late Dilip singh R/o Village-Badem, P.S.- Badem (Navinagar), District- Aurangabad
 2. Ranjan Kumar @ Mithu Singh S/o Late Dilip Singh R/o Village-Badem, P.S.- Badem (Navinagar), District- Aurangabad
 3. Ashutosh Kumar @ Golu Singh S/o Panda Singh R/o Village-Badem, P.S.- Badem (Navinagar), District- Aurangabad
 4. Himanshu Kumar Singh @ Bholu Singh S/o Panda Singh R/o Village-Badem, P.S.- Badem (Navinagar), District- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Kumar Rajak S/o Baikunth Rajak R/o Village-Badem, P.S.- Badem (Navinagar), District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Mukul Kumari, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 19-11-2025 Heard learned counsel for the appellants and Mr. Sadanand Paswan, learned Special P.P.

2. This is an appeal under Section 14(A)2 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 29.11.2024, passed by learned Special Judge (SC/ST)-cum-1st Additional District & Sessions Judge, Aurangabad in connection with Badem P.S. Case No.79 of



2024, registered under Sections 126(2), 115(2), 352, 351(2)(3) and 3(5) of B.N.S., 2023 as well as under Sections 3(i)(r)(s) and 3(2)(v) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that despite respondent no.2 receiving notice chooses not to appear and contest. It is next submitted that appellants are persons with clean antecedent and the informant alleges that he was irrigating his field, in the meantime, Ankit Kumar came riding on his tractor and damaged his pipe, on which the informant protested and requested to take his tractor through another route but he refused. Thereafter, Ankit called the accused persons and thereafter they started abusing by taking his caste name and also assaulted by fist and threatened to kill him.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 18.10.2024 and the FIR came to be instituted on 14.11.2024, i.e., after a delay of 27 days which casts and aspersion on the case of the prosecution. It is also submitted that from perusal of the allegation, as alleged in the FIR, it would manifest that allegation of abusing by taking caste name is also general and



omnibus in nature. It is next submitted that on account of dispute relating to land the present false case came to be instituted and this perhaps explains why informant despite receiving notice chooses not to appear and contest.

5. The learned Special P.P. vehemently opposes the appeal.

6. Considering the submissions made by learned counsel appearing on behalf of the appellants, let appellants, above named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Badem P.S. Case No.79 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

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

(Satyavrat Verma, J)

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