

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.123 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- SC/ST District- East Champaran

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1. Priyesh Singh @ Priyesh Kumar son of Prem Singh Village- Bangra Ps- Kotwa Dist- East Champaran
 2. Sonu Singh @ Ujjwal Pratap singh son of Late Angad Singh Village- Bangra Ps- Kotwa Dist- East Champaran
 3. Prem Singh @ Prem Kumar Singh son of Rajendra Singh Village- Bangra Ps- Kotwa Dist- East Champaran
 4. Rajendra Singh son of Late Ramdhari Singh Village- Bangra Ps- Kotwa Dist- East Champaran
 5. Shatrudhan Singh son of Late Hiralal Singh Village- Bangra Ps- Kotwa Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Rupesh Baitha son of Late Dhank Baitha Village- Bangra Ps- Kotwa Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellants	:	Ms. Rashmi Jha, Advocate
For the State	:	Mr. Binay Krishna, Sp.PP
For Respondent No. 2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-07-2025 Heard learned counsel appearing for the appellants and learned Spl.P.P. appearing on behalf of the State.

2. Despite valid service of notice, no one appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 10.11.2023 passed in a case registered for the offence punishable under Sections 341, 323, 354B, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)(g), w(i) and 3(2)(va)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

4. The prosecution case, in brief, is that on 18.08.2023 at about 5 PM in the evening, all the F.I.R. named accused persons, including these appellants, came to the land of informant where he was constructing house. It is alleged that all the accused persons, including these appellants, assaulted informant and his family members and abused them by caste name. It is further alleged that when the informant objected, all the accused persons spat on him.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, appellants have falsely been implicated in this case due to land dispute between the parties. The present F.I.R. has been lodged after inordinate delay of 27 days on 15.09.2023 with respect to the occurrence which allegedly took place on 18.08.2023 and there is no plausible explanation for the same. It is further submitted that Appellant No. 4 gave petition before the C.O., Kotwa Circle on 25.07.2023 to stop informant and his associates from encroaching his land and pursuant there to, informant and his



associates were called by the C.O., Kotwa Circle in Janta Darbar to resolve the dispute where they admitted their guilt but just after coming out of the premises, the informant retracted from his promise and thereafter, on 19.08.2023, Appellant No. 4 gave another petition before the D.M., Motihari, however, taking advantage of being a member of the Scheduled Caste category, this false and concocted case has been lodged. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

6. On the other hand, learned Spl.P.P. appearing on behalf of the State has vehemently opposed this appeal.

7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 10.11.2023 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with A.B.P. No. 5136 of 2023 arising out of Motihari SC/ST P.S. Case No. 53 of 2023 is hereby set aside with respect to these appellants only.



8. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari in connection with Motihari SC/ST P.S. Case No. 53 of 2023.

(Prabhat Kumar Singh, J)

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