

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5701 of 2024**

Arising Out of PS. Case No.-48 Year-2024 Thana- MARAUNA District- Supaul

Seet Yadav @ Shiv Kumar Yadav S/o- Ramdas Yadav R/V- Kamrail Bhagwait  
Tola Ps- Marauna Dist-Supaul

... .. Appellant/s

Versus

1. The State of Bihar
2. Ugranarayan Chaupal S/o- Ramdev Chauhan @ Ramdev Chaupal Village-  
Bhagwit Ps- Marauna Dist- Supaul

... .. Respondent/s

**Appearance :**

|                      |   |                              |
|----------------------|---|------------------------------|
| For the Appellant/s  | : | Mr. Y.C.Verma, Sr.Advocate   |
|                      | : | Ms.Priyanka Singh, Advocate  |
| For the Respondent/s | : | Mr.Sadanand Paswan, Spl.P.P. |
| For respondent No.2  | : | Mr. Amarnath Jha, Advocate   |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      24-06-2025                      Heard   Mr.   Y.C.Verma,   learned   senior   counsel  
  
                                                 appearing for the appellant, Mr. Amarnath Jha, learned counsel  
  
                                                 for respondent No.2 and Mr.Sadanand Paswan,   learned Spl.P.P.  
  
                                                 for the State.

2. The present appeal has been preferred under section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for setting aside the order dated 03.07.2024 passed by learned Additional Sessions Judge-I cum- Special Judge (SC/ST), Supaul in A.B.A. No.691/2024 arising out of Marauna P.S. Case No. 48 of 2024 instituted for offence under sections 147, 148, 149, 341, 323, 324, 325, 307, 302, 504, 506 of the Indian Penal Code and Section 3(1)(r), 3(1)



(s), 3(2)(v), 3(2)(va) of the SC/ST Act lodged on 16.05.2024 by the informant, Ugranarayan Choupal.

3. As per the prosecution story, due to construction of Indira Awas on the land allotted by the Government, the accused persons armed variously came and assaulted the informant's side in which Vasudeo Chaupal died, Ramdev Chaupal was referred to DMCH, Dharbhanga and thereafter to the PMCH, Patna. There is allegation of injuring the other persons also.

4. Learned counsel for the appellant submits that although the appellant is named in the FIR but from a bare perusal of the FIR it appears that the FIR is in two parts. In 1<sup>st</sup> part, there is general and omnibus allegation against all the accused persons including the appellant and in second part, specific allegation of assault is attributed against other co-accused persons and there is no specific allegation of any assault or overt-act attributed against the appellant and he has been made accused in the present case merely on the ground that the appellant is family member of co-accused persons and apart from that, from a bare perusal of the FIR it appears that due to admitted land dispute, the present occurrence had taken place and in view of the judgment in the case of **Hitesh Verma Vs.**



**The State of Uttarakhand & Anr., reported in (2020) 10 SCC**

**710, paragraph-18 which reads as follows:-**

*“18. 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. Paragraph-18 of the aforesaid judgment and in the background of the land dispute, no case is made out under SC/ST Act against the appellant.

6. The learned counsel for respondent No.2 as well as learned Spl.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the appellant and submits that the appellant carries six more cases other than the present one.



7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Schedule Castes and Scheduled Tribes Act is made out.

8. Considering the aforesaid facts, let the appellant, above named, in the event of his 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 sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum- Special Judge (SC/ST), Supaul in connection Marauna P.S. Case No. 48 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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.

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

**(Rajesh Kumar Verma, J)**

Nitesh/-

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