

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.82 of 2025

Arising Out of PS. Case No.-100 Year-2024 Thana- TARIYANI CHOWK District- Sheohar

1. Kamal Ray Son of Late Bishun Ray Village-Parambasant, P.S. -Tariyani, District-Sheohar
2. Sanjay Ray son of Kamal Ray Village-Parambasant, P.S. -Tariyani, District-Sheohar
3. Bachchu Ray @ Bachu Ray son of Kamal Ray Village-Parambasant, P.S. -Tariyani, District-Sheohar
4. Nawal Ray @ Nawal Kishore Ray son of Kamal Ray Village-Parambasant, P.S. -Tariyani, District-Sheohar
5. Kaushal Ray @ Kuahsal Kishore Ray son of Kamal Ray Village-Parambasant, P.S. -Tariyani, District-Sheohar
6. Vijay Ray @ Vijay Yadav son of Kameshwar Ray @ Kameshwar Yadav Village-Saraiya, Ps- Rajepur, Dist- Motihari

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Paswan @ Baiju Paswan son of Satan yadav village- Akhardiha, Ps- Majorganj, Dist- Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Prasad Singh
For the Respondent/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 06-03-2025 1. Heard learned counsel for the appellants and learned Additional Public Prosecutor for the State.
2. An order, dated 10.12.2024, passed by learned District and Additional Sessions Judge I -cum- Special Judge SC/ST, Sheohar, in ABP No. 395 of 2024, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes



(Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Tariyani Police Station Case No. 100 of 2024 registered for the offence punishable under Sections 341/323/379/504/34 of the Indian Penal Code and Section 3(1)(r)/3(1)(s) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 05.05.2024, in the morning, while the informant was irrigating the land of Ravindra Kumar Singh, the appellants arrived there and started abusing him by caste name. The co-accused Brij Kishore Ray pushed the informant in the field and started assaulting him with fists and slaps. When Makkhi Mahto and Ashok Kumar came to save informant, they fled away and started abusing him by caste name.
4. Learned counsel for the appellants submits that the appellants have falsely been implicated at the behest of employer of the informant on whose field the informant used to work. He next submits that the employer of the informant, namely, Ravindra Kumar Singh, is the cousin brother of Ashok Kumar Singh, who is the witness of the



FIR with whom the appellants are having land dispute. He further submits that caste name was not taken in full public view.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that it is specifically alleged in the FIR that the appellants abused the informant by his caste name in open field, which was in full public view. He further submits that abuse to the informant by the appellants was humiliating and prima facie case is made out.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers and the appellants are having land dispute with the witness to the present FIR, namely, Ashok Kumar Singh, who is cousin brother of Ravindra Kumar on whose filed the informant used to work, accordingly, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 10.12.2024, passed by learned District and Additional Sessions Judge I -cum- Special Judge SC/ST, Sheohar, in ABP No. 395 of 2024, is set aside.



8. Let the appellants, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 District and Additional Sessions Judge I -cum- Special Judge SC/ST, Sheohar, in connection with Tariyani Police Station Case No. 100 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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