

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5730 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- SC/ST District- Siwan

1. Baij Nath Padit @ Baidyanath Padit @ Baidya Nath Prasad son of Nagdi Padit @ Nagad Kohar Resident Of Village -Hanumanagar (Saran Tola Mathiya), Ps -Darauli, Dist- Siwan
2. Rakesh Padit @ Rakesh Kumar son of Hans Nath Padit Resident Of Village -Hanumanagar (Saran Tola Mathiya), Ps -Darauli, Dist- Siwan
3. Ram Janam Padit @ Ram Janam Prasad son of Nanhe Padit Resident Of Village -Hanumanagar (Saran Tola Mathiya), Ps -Darauli, Dist- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Durgawati Devi Wife of Banarsi Ram Resident Of Village -Bishwaniya, , Ps
-Darauli, Dist- Siwan

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Rachna Rani, Adv
Mr.Shailendra Kumar Dwivedi, Adv
For the Respondent/s : Mr.Binay Krishna, Spl. PP
Mr. Gajendra Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-09-2025 1. Heard learned counsel for the appellants Ms. Rachna Rani, learned Spl. P.P. for the state Shri Binay Krishna and the learned counsel appearing on behalf of the informant, Shri Gajendra Kumar.

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 7-10-2024 in A.B.P. no. 2056 of 2024 passed by



the learned 1st Additional Sessions Judge-Cum-Special Judge S.C./S.T. (POA) Act, Siwan in connection with SC/ST P.S. Case No. 51 of 2024 registered for the offences punishable under Sections 341, 323, 307, 354, 504, 506 and 34 of the Indian penal code as well as Sections 3(1)(f), (g), (r)(s) (w)/3(2)(va) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and appellant Nos. 1 and 3 are aged about 72 years and 64 years respectively. It is next submitted that informant alleges that on 26-7-2022 the accused persons including the appellants came on her land and started ploughing the land forcefully thinking that the informant is a woman from weaker section, on objection the accused Baij Nath Padit dashed her on the ground by holding her hair, when Keshwanti Devi came to save her, Hans Nath Padit caught the leg of Keshwanti Devi and started dragging her, thereafter Manan Padit assaulted the informant by fist on chest causing injury and Rakesh abused her by taking caste name.

4. The learned counsel for the appellants submits that the date of occurrence is 26-7-2022 and the FIR came to be instituted on 28-7-2022, i.e., after a delay of two days. It is



further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place. It is also submitted that though there is allegation of assaulting the informant and Keshwanti Devi but then the FIR does not even remotely reflect that the occurrence was witnessed by any independent witnesses, as such *prima facie* no offence under the SCST Act is made out.

5. The learned Spl. PP and the learned counsel appearing on behalf of the informant opposes the appeal, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that the FIR does not even remotely reflect that the occurrence was witnessed by any independent witnesses.

6. Considering the aforesaid facts, let the appellants above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with the aforesaid case, subject to the conditions as laid down



under section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

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