

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.129 of 2026**

Arising Out of PS. Case No.-70 Year-2025 Thana- DEOKUND District- Aurangabad

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1. Lalit Kumar @ Munna Sharma S/O Late Yogendra Sharma Resident of Village- Bandhwa, P.S- Deokund, Distt- Aurangabad.
 2. Jitendra Kumar @ Mantu Sharma S/O Late Dilip Sharma Resident of Village- Bandhwa, P.S- Deokund, Distt- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajraniya Devi, W/o Ramvijay Rajvanshi, Resident of Village Bandhwa, P.S- Deokund, Distt- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravindra Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-01-2026 1. Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel appearing on behalf of the informant.

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 03.01.2026 in A.B.P. No. 2756 of 2025 passed by the learned 1st District and Additional Sessions Judge-cum-Special Judge (SC/ST, Children & NDPS Act), Aurangabad in connection with Deokund P.S. Case No. 70 of 2025 registered under Sections 126, 115(2), 352, 351(2), 303(2), 324(5), 74 and



3(5) of the BNS as well as Sections 3(1)(r) and 3(1)(s) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that appellants have antecedent of two cases and the informant alleges that on 05.12.2025 she came on her land along with her husband when she saw that hut and house on the land was demolished and even household articles were looted along with two goats. Further, a day before she was threatened by the appellants to leave the land. It is next alleged that appellants have antecedent and are land grabbers. Further, when she was coming back, the appellants intercepted her and abused by taking caste name and threatened with an iron rod to leave the land.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. 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 next submitted that as far as allegation of abuse is concerned, the same is general and omnibus in nature i.e. no specific allegation is alleged against the appellants of hurling abuse. It is also submitted that there is no allegation of



assault though informant alleges that appellants threatened with an iron rod and asked her to leave the land. It is further submitted that since a land dispute is going on in between the parties, as such, the instant false case came to be instituted. It is next submitted that the land belongs to the appellants and it is the side of the informant who is trying to usurp the land. It is also submitted that from perusal of Annexure-3 to the memo of appeal, it would manifest that Title Suit No. 129/95/17/99 was instituted from the side of the appellants in which the side of the informant were defendants. It is further submitted that the suit was decreed in favour of the side of the appellants and thereafter the land was mutated in the name of the appellants and thereafter the disturbance from the side of the informant started.

5. Learned Special Public Prosecutor and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail but then are not in a position to rebut Annexure-3 to the memo of appeal.

6. At this stage, learned counsel appearing on behalf of the informant submits that appellants have not approached this Court with clean hands as they have suppressed their criminal antecedent.

7. After hearing the learned counsel for the parties, 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 the date of receipt of the order, be released on provisional 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 the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

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

9. It is made clear that thereafter the learned trial court shall verify the criminal antecedent of the appellants and if it is found that appellants have antecedent of more than two cases in that event the provisional anticipatory bail bonds shall be cancelled but if it is found on verification that appellants have antecedent of only two cases in that event the provisional anticipatory bail bonds shall be confirmed forthwith.

(Satyavrat Verma, J)

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