

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.658 of 2024

Arising Out of PS. Case No.-24 Year-2023 Thana- SC/ST District- Siwan

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1. Dewanti Devi W/O Late Suresh Dubey R/O VILLAGE- MACHHAGARA DUBEY TOLA, PS.- BHAGWANPUR HAT, DISTT. SIWAN.
 2. PRADEEP DUBEY S/O LATE RAMCHANDRA DUBEY R/O VILLAGE- MACHHAGARA DUBEY TOLA, PS.- BHAGWANPUR HAT, DISTT. SIWAN.
 3. TARKESHWAR DUBEY @ TARKESHWAR PANDEY S/O LATE SATYADEO DUBEY @ SATYADEO PANDEY R/O VILLAGE- BRAHAM ASTHAN, PS. BHAGWANPUR HAT, DISTT. SIWAN.
 4. SATYENDRA SINGH S/O RAMANAND SINGH R/O VILLAGE- BHIKHAMPUR, PS.- BHAGWANPUR HAT, DISTT. SIWAN.

... .. Appellant/s

Versus

1. The State of Bihar
2. BAIJANTI DEVI W/O SUNIL RAM R/O VILLAGE- BHIKHAMPUR, PS. BHAGWANPUR HAT, DISTT. SIWAN.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Tiwary, Advocate
For the Respondent/s	:	Mr.Sadanand Paswan, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 13-07-2026 1. Heard learned counsel for the appellants and learned Spl. P.P. for the State, Mr. Sadanand Paswan 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 19.12.2023 in A.B.P. No. 2839 of 2023 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Siwan in connection with Siwan SC/ST



P.S. Case No. 24 of 2023 registered for the offences punishable under Sections 420, 467, 468, 471, 354(b), 379, 120(B), 34 of the Indian Penal Code as well as Sections 3(i)(r)(s)(w) and 3(2) (va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants after arguing for sometimes realising his difficulty seeks permission to withdraw the appeal with respect to appellate No. 1.

4. Permission is accorded.

5. It is next submitted appellants are persons with clean antecedent and the informant alleges that the accused persons including the appellants executed sale deed with regard to land pertaining to survey No. 2606 measuring 09 Katha 03 dhur for an amount of Rs. 18 lakhs, being aware of the fact that Ramanand Pandey and others had gifted the land to Indra High School, Hilsand in the name of the Secretary of the Managing Committee of the school on 02.09.1971 and on the said land, the playground of the school is situated, further in the conspiracy Tarkeshwar Pandey and Suraj Dubey were also involved, accordingly informant asked the accused persons to return her money on 08.05.2023, hence on 09.05.2023 the named accused persons came to her house and abused by taking caste name and



Bipin acted inappropriately with her and snatched her chain.

6. Learned counsel appearing on behalf of the appellants submits that the appellants have been falsely implicated in the instant case by the informant, it is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation is alleged against the appellants rather allegation against them is general and omnibus in nature, it is further submitted that sale deed with respect to the land was executed by Dewanti Devi whose appeal has been withdrawn, it is also submitted that as far as allegation of abusing the informant by taking caste name and snatching her chain is alleged, the same is ornamental, it is further submitted that even presuming what has been alleged is true with regard to abuse and snatching of chain then the occurrence took place at the house of the informant and thus was not in public view and even allegation of abuse is not specific, it is also submitted that entire consideration was credited in the account of Dewanti Devi and not in the account of the appellants, but since they are agnates of Dewanti Devi hence they came to be implicated and are also not witnessed on the sale deed.

7. Learned Spl. P.P. for the State as well as 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 money was credited in the account of Dewanti Devi and it was Dewanti Devi who had executed the sale deed and the appellants were not a witness on the sale deed and as far as allegation of abuse and snatching of chain is alleged, the same was not in public view.

8. Considering the submissions made by the learned counsel appearing on behalf of the appellants, let the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on 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/successor court in connection with the aforesaid case, subject to the conditions as laid down under Section 482 (2) of the BNSS.

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

(Satyavrat Verma, J)

Nitesh/-

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