

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1051 of 2025**

Arising Out of PS. Case No.-748 Year-2024 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Anil Kumar @ Anil Odia son of Late Kishori Prasad Residents of village - Shahganj, Ps- Muffasil, Dist- Aurangabad
 2. Santu Shahu @ Santu Kumar Son of Anil Kumar @ Anil Odia Residents of village - Shahganj, Ps- Muffasil, Dist- Aurangabad
 3. Suman Kumar @ Raj Kumar Gupta Son of Bhikhari Sao @ Gupteshwar Prasad Residents of village - Shahganj, Ps- Muffasil, Dist- Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangita Devi Wife of Ramlal chaudhari village- Bhashkar Nagar Khushi tola, Ps- Muffasil, Dist- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kamendra Prasad Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl.PP
For the Respondent No.2:	:	Mr. Santosh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 25-02-2026 Heard learned counsel for the appellants, learned counsel for the respondent No.2 and learned Special Public Prosecutor appearing for the State.

2. This appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 29.01.2025 passed by learned Special Judge (SC/ST)-cum-1st District and Additional Sessions Judge, Aurangabad, in A.B.P. No. 119 of 2025 arising out of Aurangabad Town P.S. Case No.



748 of 2024 registered under Sections 115(2), 126(2), 76, 352, 351(2) and 3(5) of B.N.S. and Sections 3(1)(r)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, informant, namely Sangita Devi, had purchased a piece of land and was present there on 20.10.2024 at 09.30 A.M. along with her husband and six laborers to clean the plot and construct a boundary wall. In the meantime, appellants along with 4-5 unknown persons armed with lathi and danda came there and started abusing and threatened to kill them. They claimed the land was historically used for burning Agaja (Holika Dahan). When the informant asserted her ownership of the land, she was assaulted with legs and fists and her clothes were pulled, when her husband came to rescue he was also assaulted. The appellants threatened to kill them, if they ever returned to the property.

4. Learned counsel for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. It is further submitted that the respondent no.2 was illegally making construction upon a common place used for Agaja (Holika Dahan) and the



appellants being the members of peace committee, so nominated by the Special Division Officer, Aurangabad, and because of this, objection was raised by the appellants, while appellant no.2 is son of appellant no.1 and appellant no.3 is cousin brother of appellant no.1. Though Sections 76 of B.N.S. is non-bailable, no ingredients of Section 76 of B.N.S. is made out. In the facts and circumstances of the case and the fact that the alleged abuse was not done within public view, although appellant no.1 is alleged to have specifically caught hold the hair of the informant and thrown her on the ground followed by assault with fists and legs, but there is no injury report on record to substantiate such allegations. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State and respondent no.2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that she claims the ownership of the land on the basis of a sale deed.

6. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent coupled with the fact that there are serious disputes regarding the possession of the land and the alleged abuse not having been made within public view, let the above named



appellants, in the event of their arrest/surrender within a period of six 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 Special Judge (SC/ST)-cum-1st District and Additional Sessions Judge, Aurangabad, in connection with Aurangabad Town P.S. Case No. 748 of 2024 subject to the conditions laid down under Section 482(2) of the B.N.S.S.

7. Accordingly, this appeal is allowed and the impugned order dated 29.01.2025 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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