

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2369 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- PATAHI District- East Champaran

-
1. Santosh Sah S/O Moharlal Sah @ Mohan Sah R/O Village- Bara Shankar, PS- Patahi, Distt-East Champaran(Bihar)
 2. Munchun Sah @ Munchun Kumar S/O Moharlal Sah @ Mohan Sah R/O Village- Bara Shankar, PS- Patahi, Distt-East Champaran(Bihar)
 3. Munna Sah @ Munna Kumar S/O Moharlal Sah @ Mohan Sah R/O Village- Bara Shankar, PS- Patahi, Distt-East Champaran(Bihar)
 4. Moharlal Sah @ Mohan Sah S/O Gulab Sah R/O Village- Bara Shankar, PS- Patahi, Distt-East Champaran(Bihar)

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Sudesh Paswan S/O Mahesh Paswan R/O Village- Bara Shankar, PS- Patahi, Distt-East Champaran(Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Tiwari
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 30-04-2026 1. Heard learned counsel for the appellants, learned Special P.P. for the State. No one appears on behalf of the respondent no.2.

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 01.05.2025 in A.B.P. No. 1131/2025, arising out of Patahi P.S. Case No.43/2025, registered under Sections 126(2), 115(2), 316(2), 318(2), 352, 351(2) and 3(5) of the BNS, 2023 and Sections 3(i) (x) of the SC/ST Act.



3. Learned counsel for the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 29.06.2022 he purchased a Mahindra Tractor from Santosh (appellant no.1) for an amount of Rs.3,76,000/-, out of which, he paid an amount of Rs.2,16,000/-, it is next alleged that accused had assured that repair of the tractor would cost in between Rs.10,000-12,000/- but then informant had to spent an amount of Rs.60,000/-, it is further alleged that accused persons had promised to take back the tractor and refund the money but instead forcibly took away the tractor on 26.09.2024 for which a panchayati was convened on 21.11.2024 at 7 P.M. and the accused had agreed to repay the amount, further when informant and his wife went to the house of accused persons, they abused them by taking caste name and also dashed them on the ground.

4. Learned counsel submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 21.11.2024 and the FIR came to be instituted on 03.02.2025 i.e. after a delay of more than 78 days which casts an aspersion on the case of the prosecution. It is also submitted that even presuming what has been alleged is true without admitting with regard to abuse then the occurrence was committed at the house of the appellants, hence was not in public view. It is also submitted that on account of dispute relating to



purchase of tractor, a false case has been instituted. It is further submitted that if privilege of anticipatory bail is granted to the appellants, the appellants will not abscond rather will cooperate in the investigation to prove their innocence.

5. Learned Special Public Prosecutor opposes the appeal.

6. Considering the submissions, the order impugned is set aside. Let the appellants, above named, in the event of their arrest or surrender within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.5,000/- (rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending 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 this appeal stands allowed.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

