

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2571 of 2025

Arising Out of PS. Case No.-30 Year-2018 Thana- SC/ST District- Sheikhpura

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1. Usha Devi W/o- Ravindra Ram Village- Mahadev Nagar Ward No- 22 PS-Sheikhpura District- Sheikhpura
 2. Jyoti Ram @ Jyotish Kumar S/o- Dineshwar Ram Village- Mahadev Nagar Ward No- 22 PS-Sheikhpura District- Sheikhpura
 3. Guddu Ram S/o- Ravindra Ram Village- Mahadev Nagar Ward No- 22 PS-Sheikhpura District- Sheikhpura

... .. Appellant/s

Versus

1. The State of Bihar
2. Panchalo Devi W/o- Rambali Ram Village- Mahadev Nagar Ward No- 22 PS-Sheikhpura District- Sheikhpura

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Binit Kumar, Advocate
For the State	:	None
For the Informant	:	Mr. Bipin Kumar, Advocate Ms. Sarita Kumari, Advocate Mr. Ravikant, Advocate Mr. Abhishek Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 16-04-2026 Heard learned counsel for the appellants and learned counsel for the informant.

2. An order, dated 12.06.2025, passed by learned District & Additional Sessions Judge, 1st-cum-Special Judge SC/ST Act, Sheikhpura, in ABP No. 353 of 2025, is under challenge in the present appeal preferred under Section 14-A (2) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby the anticipatory bail application of the appellants in connection with Sheikhpura SC/ST Police Station Case No. 30 of 2018, registered for the offence punishable under Sections 341, 323,



447, 504 and 34 of the Indian Penal Code and Sections 3(1)(r) (s), 3(2) (va) of the SC/ST (Prevention of Atrocities) Act, 1989, has been rejected.

3. The prosecution case as per the First Information Report, on 12.07.2018 at about 08:30 A.M., while the informant was at her home, the appellants, along with co-accused persons armed with lathi, rod and pistol, arrived there and started abusing her by calling her caste name. When the informant protested, the co-accused Ajay Ram assaulted her with the butt of pistol, causing head injury. It has further been stated in the FIR that there is a Gairmajarua land in front of the informant's house, on which she has been residing for many years and the appellants are having bad eyes on the said land.

4. Learned counsel for the appellants submits that the present FIR has been lodged in abuse of the process of law due to land dispute. The Gairmajarua land, which was being used as a *rasta*, has been encroached upon by the informant and her family members, and they have constructed a house over it, which was being protested by the appellants and other villagers. It is further submitted that the co-villagers have also filed a public petition before the police authorities stating therein that the informant has filed a false and frivolous case in which the appellants have been falsely implicated. There is a dispute between the informant and the appellants regarding the said Gairmajarua land. It is further submitted that the FIR was lodged in 2018 and the appellants had filed a quashing petition



before this Court in Criminal Misc. No. 16628 of 2020, which was disposed vide order dated 29.04.2025, granting liberty to the appellants to raise all the grounds at the time of framing of charge. Due to the pendency of the said quashing application before this Court, the appellants did not seek anticipatory and/or regular bail.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that, after investigation, the police have submitted the charge-sheet and cognizance has been taken against the appellants. It is further submitted that the FIR was lodged in 2018 and the appellants have approached this Court for grant of anticipatory bail after a delay of seven years.

6. No-one appears for the State.

7. Regards being had to submission made by the parties taking into consideration the nature of allegation against and the fact that the present FIR has been lodged due to land dispute between the parties, and the allegation of abusing by caste name was not made in full public view or with the intention to humiliate the informant and her family members, I am inclined to grant the appellants privilege of anticipatory bail.

8. This appeal is, accordingly, allowed and the order, dated 12.06.2025, passed by learned District & Additional Sessions Judge, 1st-cum-Special Judge of SC/ST Act, Sheikhpura, in ABP No. 353 of 2025, is set aside.



9. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four 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 District & Additional Sessions Judge, 1st-cum-Special Judge of SC/ST Act, Sheikhpura, in connection with Sheikhpura SC/ST Police Station Case No. 30 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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