

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4164 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- JAGDISHPUR District- Bhagalpur

Rajeev Kumar Son of Upendra Mandal R/O-Village-Vidhyanandi, PS-
Jagdishpur, Distt.- Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Muneshwar Mandal Son of Late Rupchan Mandal Resident of Village-
Ghoraha, P.S.- Goradiah, Distt.- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajive Ranjan Singh, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

5 04-02-2026 Heard learned counsel for the appellant, 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
06.08.2024 passed by learned Additional District & Session
Judge-3rd-cum-Special Judge (SC/ST Act), Bhagalpur in A.B.P.
No. 1729 of 2024 in connection with Jagdishpur (Goradiah),
P.S. Case No. 10 of 2024 registered under Sections 341, 323,
504, 506 and 34 of the Indian Penal Code read with Section 3(1)
(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, the informant alleged that on 23.11.2023 at about 10:00 AM, the appellant came and introduced himself and said that he has bought this land which you are farming, you should vacate it now otherwise he will burn your crop and destroy it in two days. When the informant ask him who has sold it to you, then the appellant started abusing the informant by taking his caste name. On being opposed, the appellant slapped and threatened to vacate the field and not to harvest the crop, else he will be eliminated and cremated with the crops. When he raised *hulla* to call the people from neighbourhood, then the person, who was accompanying him and was on the motorcycle, said that let us flee away else the people will come. Thereafter, both of them fled away on the motorcycle.

4. Learned counsel appearing for the appellant submits that the appellant, who bears clean antecedent, is innocent and has not committed the offence alleged. As regards the allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, learned counsel for the appellant submits that in the backdrop of serious land dispute, the



appellant has been falsely implicated in this case. He further submits that the offences of Indian Penal Code are bailable and with regard to offences under the SC/ST Act, the same is not made out as the same was not made in a public place within a public view. From perusal of the FIR, it appears that serious land dispute was pending between the parties and there is considerable delay in lodging the present FIR. 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 as well as learned counsel for the respondent No.2 have vehemently opposed the prayer for grant of anticipatory bail to the appellant and has stated that the appellant is creating hindrance in his possession over the land in question.

6. Considering the entire facts and circumstances of the case and also the fact that the appellant bears clean antecedent, let the above named appellant, in the event of his arrest/surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Session Judge-3rd-cum-Special Judge (SC/ST Act), Bhagalpur, in connection with Jagdishpur



(Goradiah), P.S. Case No. 10 of 2024 subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, the impugned order dated 06.08.2024 rejecting the prayer for grant of anticipatory bail to the appellant is set aside.

8. This appeal is allowed.

(Praveen Kumar, J)

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