

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3715 of 2025

Arising Out of PS. Case No.-249 Year-2025 Thana- KATEYA District- Gopalganj

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1. Ramdhani Verma @ Ramdhani Prasad Son of Late Radhakishun Verma @ Radhakishun Verma @ Late Radhakrishn Prasad
 2. Munna Verma Son of Nandkishore Verma
 3. Sanjay Verma Son of Nandkishore Verma
 4. Santosh Verma @ Mantosh Verma @ Mantosh Kumar Son of Nandkishore Verma
 5. Krishna Verma Son of Ramdhani Verma
 6. Nanhe Verma @ Nanhe Kumar Verma Son of Ramdhani Verma
 7. Nandkishore Verma @ Nand Kishore Prasad Son of Late Radhakishun Verma @ Radhakishun Verma @ Late Radhakrishn Prasad
- All are resident of Village - Sohanriya, P.S. - Kateya, District - Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalan Ram Son of late Chandrabali Ram R/o Village - Koreya Mahuai, P.S.- Bhore, Dist. - Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md Danish Quamar, Advocate
		Mr. Madiha Moneer, Advocate
For the Respondent/s	:	Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 16-04-2026 Heard learned counsel for the appellant and learned
Spl. PP for the State.

2. The appellants have preferred the appeal under Section 14(A)(2) of the SC/ST Act against the rejection of prayer for pre-arrest bail vide order dated 25.07.2025 passed by learned Addl. District Judge-II- cum Special Judge, SC/ST Act, Gopalganj in connection with Kateya P.S. Case No. 249 of 2025



registered under Sections 126(2),115(2),303(2),351(2),352,3(5), of the BNS and Section 3(1)(r)/3(1)(s),3(2)(va) of the SC/ST Act.

3. As per the allegation made in the F.I.R., the appellants are said to have slated one Mukesh Thakur in the name of his caste and also assaulted him and the informant, causing injuries.

4. Learned counsel appearing on behalf of the appellants submitted that the appellants are innocent and have falsely been implicated in the present case. There is case and counter case between the parties arising out of same incidence and due to land dispute, an altercation took place and both the sides entered into free fight in which, both the sides sustained injuries. Learned counsel further contended that, while seeking pre-arrest bail before the learned District Court, it was specifically argued that the allegations made in the FIR do not constitute any offence under the SC/ST Act, and that the relevant provisions of the said Act were subsequently removed by the police while issuing notice under Section 35(3) of BNSS, however, the learned District Court, without appreciating the facts of the case in their proper perspective, the nature of the allegations against the appellants, and the legal principles



governing grant of bail, rejected the appellants' prayer for pre-arrest bail. Learned District Court failed to appreciate that no offence under SC/ST Act is made out against the appellants rather the present case has been lodged by misusing the provision of the SC/ST Act to provide shield to the misdeed of the informant's side.

5. *Per contra*, learned Spl.PP for the State has opposed the prayer for grant of bail to the appellant.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the fact that there is case and counter case between the parties arising out of same incidence and due to land dispute, an altercation took place and both the sides entered into free fight in which, both the sides sustained injuries. In such circumstances, the impugned order dated 25.07.2025 is quashed and set-aside as the bar under Section 18 of the SC/ST Act is not attracted.

7. The Trial Court is directed to released the appellants on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the



satisfaction of the learned District Court where the case is pending in connection with Kateya P.S. Case No. 249 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C / 482 (2) of the BNSS.

8. Accordingly, the appeal is allowed.

(Purnendu Singh, J)

Sanjay/-

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