

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 3752 of 2025

Arising Out of PS. Case No.-980 Year-2024 Thana- NAGAR District- Vaishali

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1. Premshankar Chaudhary @ Prem Shankar Chaudhary S/o- Late Yugeshwar Chaudhary @ Late Yogeshwar Chaudhary R/o village- Darhar PS-Bahadurpur District-Darbhang.
 2. Golu @ Gandharb Kumar S/o- Premshankar Chaudhary @ Prem Shankar Chaudhary R/o village- Darhar PS-Bahadurpur District-Darbhang.
 3. Prakash Chandra Mishra S/o- Kripanath Mishra R/o Mohalla- Mirjapur PS-Nagar (Sasural Mabbhi) District-Darbhang.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Arun Kumar S/o- Rajendra Chaudhary R/o village- Jadhua PS-Hajipur Nagar District-Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar Jha, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-02-2026 Heard learned counsel for the appellants and learned
Special P.P. for the State.

2. The appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short ‘the Act’) against the order dated 31.07.2025 passed by the learned Exclusive Special Judge (SC/ST Act)-cum-District and Additional Sessions Judge, Vaishali at Hajipur, in A.B.P. No. 1843/2025 arising out of Hajipur Town P.S. Case No. 980/2024 registered under Sections 126(2), 115(2), 316(2), 318(4), 308(3), 303(2), 352, 351(2),



3(5) of BNS, 2023 (Correspondence to 341, 323, 406, 420, 385, 379, 504, 506, 34 of IPC) read with Sections 3(1)(r)(s) of SC/ST (POA) Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. As per FIR, appellants failed to return Rs. 25 lacs to the informant which was given to him as an advance money in cash for purchase of piece of land and when agreement failed to take its final shape demand was raised. Allegation of caste name is also available against appellants. Informant claimed him a member of scheduled caste community.

5. Learned counsel appearing for the appellants submitted that the present false case was lodged in the background of the land dispute. It is submitted that the dispute is purely civil in nature and for that present criminal case is completely unoccasioned and unwarranted. It is submitted that the implication is also for the reason that appellant no. 1 was the witness in ED case against the informant. It is pointed out that the allegation in caste name also not appears to be made in public view and, therefore, no *prima facie* case is made out. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Hitesh Verma Vs. State of***



Uttarakhand reported in ***(2020) 10 SCC 710*** and ***Gulam Mustafa Vs. State of Karnataka and Anr.*** reported in ***2023 SCC OnLine SC 603***.

6. Learned Special P.P. duly assisted by learned counsel Mr. Keshab Raj, appearing for the informant, while opposing the prayer of bail submitted that the abuse in caste name was made in public view as it occurred at a public place as the “*Mama Bhanja*” is a name of place. However, he conceded that the occurrence took place in the background of non-returning of amount received by appellants for purchase of piece of land.

7. Contrary to the aforesaid submission, learned counsel appearing for the informant submitted that public place and public view both are different things and the relevant fact is the public view not the public place.

8. In view of aforesaid factual submissions and by taking note of fact as the disputes primarily appears civil in nature *qua* recovery of payment appears to be made in connection with land deal, coupled with the fact that abuse in caste name *prima facie* not appears to be made in public view, as discussed aforesaid, accordingly, all above-named appellants in the event of their arrest or surrender before the learned trial Court, within a period of six weeks of the order, is directed to be released on bail furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act)-cum-District and Additional Sessions Judge, Vaishali at Hajipur/concerned court, where the case is pending in connection with A.B.P. No. 1843/2025 arising out of Hajipur Town P.S. Case No. 980/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of BNSS.

9. Accordingly, impugned order dated 31.07.2025 as passed through A.B.P. No. 1843/2025 is hereby set aside/quashed.

10. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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