

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4002 of 2025

Arising Out of PS. Case No.-260 Year-2023 Thana- BANMANKHI District- Purnia

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Dhrub Choudhary @ Dhrub Kumar Choudhary @ Dhruv Kumar Chowdhary
S/o Tej Narayan Chaudhary Resident of village - Lohapatti, Ward No. 08, P.S
- Banmankhi, District - Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Kishan Kumar Uraon S/o Late Shivanand Uraon R/o Mohalla - Hridaya
Nagar, Ward No. 1, P.S - Banmankhi, District - Purnea

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Radha Mohan Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Sp.PP
For the Respondent No.2:	:	Mr. Sarveshwar Tiwary, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-05-2026 Heard Mr. Radha Mohan Singh, learned counsel
for the appellant, Mr. Binay Krishna, learned Spl.P.P. for the
State and Mr. Mr. Sarveshwar Tiwary, learned counsel for the
Respondent No. 2.

2. This is an appeal under Sections 14(A)(2) against
refusal of the prayer for anticipatory bail by order dated
25.08.2025 passed by the learned District and Additional
Sessions Judge-I-cum-Special Judge, SC/ST, Purnea in
connection with Banmankhi P.S. Case No. 260/2023, F.I.R.
dated 07.06.2023 registered under Sections 341, 323, 504, 506,
467, 468, 471 read with Section 34 of the Indian Penal Code and
Sections 3(1) (i) (r) (s), 3(2)(v) of the Scheduled Castes and



Scheduled Tribes Act.

3. According to the prosecution case, the appellant and the co-accused persons are alleged to have assaulted the informant and abused him by calling his caste name.

4. Learned counsel for the appellant submits that appellant is innocent and he has falsely been implicated in the present case. The co-accused persons, namely, Suman Kumar Choudhar and Rita Choudhary have been granted bail by this Hon'ble Court vide order dated 15.04.2025 passed in Cr. Appeal (SJ) No. 4584/2023. He further submits that it appears from the F.I.R. itself that due to admitted land dispute the present occurrence had taken place and the informant has alleged that the appellant has used the abusing language against the informant but the place of occurrence as alleged in the F.I.R. is in the house of the informant, so the appellant has not abused in the public place and hence no case is made out under SC/ST Act against the appellant and apart from that in view of the judgment in the case of **Hitesh Verma Vs. The State of Uttarakhand & Anr.**, reported in **(2020) 10 SCC 710**, paragraph-18 which reads as follows:-

“18. Therefore, offence under the Act is not established merely on the fact that the



informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste. In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such person happens to be a Scheduled Caste, the offence under Section 3(1)(r) of the Act is not made out.”

5. Paragraph-18 of the aforesaid judgment and in the background of the land dispute, no case is made out under SC/ST Act against the appellant.

6. Learned Special Public Prosecutor for the State have vehemently opposed the prayer for bail of the appellant and submits that appellant carries two more criminal antecedent other than the present one.

7. After hearing the parties, in my view for the purpose of this anticipatory bail, no offence under the provisions of Scheduled Castes and Scheduled Tribes Act is made out.

8. Hence, let the appellant, above named, in the event



of his arrest to surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-I-cum-Special Judge, SC/ST, Purnea in connection with Banmankhi P.S. Case No. 260/2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the appellant tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order is set aside and this appeal stands allowed.

(Rajesh Kumar Verma, J)

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