

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4944 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- SC/ST District- Madhubani

-
1. Ashok Thakur S/O Kishori Thakur Resident of Village Faint, P.S. Basopatti, District - Madhubani.
 2. Pawan Thakur Son of Kishori Thakur Resident of Village Faint, P.S. Basopatti, District - Madhubani.
 3. Punita KUMari Wife of Surendra Thakur and Daughter of Kishori Thakur Resident of Village - Faint, P.S. - Basopatti, District - Madhubani, at present resident of Village District - Darbhanga. Belour, P.S. Manigachhi,
- Appellants

Versus

1. The State of Bihar
 2. Ramchandra Ram Son of Late Dukhmochan Ram Resident of Village - Faint, P.S. - Basopatti, District - Madhubani
- Respondents

Appearance :

For the Appellants	:	Mr. Ranjan Kumar Jha, Advocate Mr. Subhash Kumar Jha, Advocate
For the Respondent-State:		Mr. Binay Krishna, Spl. PP
For the Respondent No.2:		Mr. Gagandeo Yadav, Advocate Mr. Udeshya Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
C.A.V. ORDER

3 18-02-2026 Heard learned counsel for the appellants, learned Special Public Prosecutor appearing for the State and learned counsel for the respondent No.2.

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 13.09.2024 passed by learned Additional District and Sessions Judge 1st-cum-Special Judge, Madhubani, in A.B.P. No.1753 of 2024, in connection with SC/ST P.S. Case No. 38 of 2023



registered under Sections 341, 323, 504, 354(B), 379 and 506/34 of the Indian Penal Code, Section 3(1)(r)(s)(w) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Section 3/4 of the Dian Act, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. Based on the complaint petition filed by the complainant, namely, Ramchandra Ram (respondent No.2), Complaint Case No. 49 of 2023 came to be registered and later on SC/ST P.S. Case No. 38 of 2023 was registered. Briefly narrated, the case of the prosecution is that the complainant purchased a piece of land, which the appellants were also eyeing, and the appellants are musclemen of the area and have formed a gang. On 14.05.2023, between 08:00 AM and 10:00 AM, the appellants variously armed came to the land of complainant and started constructing a house. When the complainant objected, the appellants surrounded him, hurled abuses taking caste name and also started beating him by fists and slaps. It is further alleged that appellant No. 1 wrapped a *gamcha* around the neck of the complainant and started twisting it with an intention to kill him, whereas appellant No. 3 tore the *kurta* and *Pyjama* of the complainant and appellants no. 1 and 2



spat on his body and abused him by taking caste name.

4. It is further alleged that when the wife of complainant came to his rescue, appellants No. 1 and 2 pulled her *saree*. It is also alleged that while accused no.4, namely, Yogendra Thakur, snatched gold *mangalsutra* from his wife's neck worth Rs.1,20,000.00, accused No. 5 abused his wife by taking caste name and called her to be *Dian*.

5. It is alleged that, on hearing the commotion, when the people from vicinity started gathering, the appellants threatened by stating that they are the musclemen of the area and if he comes there again, he will be killed and his body would be disappeared.

6. It is also alleged that appellant No.1 took out Rs.25,000.00 from the pocket of the shirt of the complainant and appellant No.2 snatched the wrist watch and gold ring of the complainant worth Rs.1000,000.

7. Learned counsel for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed the alleged offence. He further submits that a bare reading of the contents of the complaint would reveal that it is an out and out false story and only with a view to implicate these appellants and other accused persons this false case has



been lodged out of land dispute. There is no injury report on the record to substantiate the allegation of assault. He also submitted that it is highly improbable that such valuable articles have been snatched. As regards allegation of abuse with the caste name attracting the rigours of SC & ST Act is concerned, it is submitted that the place of occurrence is alleged to be a public place, but it is not alleged that any public was present at the time of alleged occurrence so as to attract the provisions of SC/ST Act. Moreover, processes under Section 82 CrPC, which was issued by the learned court below was subsequently recalled by order 15.04.2025. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

8. Learned Special Public Prosecutor for the State has vehemently opposed the prayer for grant of anticipatory bail to the appellants and submitted that the appellants are actively involved in the present occurrence.

9. Learned counsel for the respondent No. 2 has while vehemently opposing the prayer for grant of anticipatory bail to the appellants submitted that the appellants are musclemen of the area and with a view to grab the land of the complainant they used to intimidate him to leave that land, they



have committed this offence. They are finding it difficult to comprehend that a person from Scheduled Caste has purchased the land which they wished to purchase and are taking all resorts to grab the same. He has also submitted that the conduct of the appellants can be gauged from the fact that the learned court below ordered for issuance of processes under Section 82 of the CrPC against the appellants. If the appellants would be granted the privilege of anticipatory bail in the matter, then there would be a threat on the life of the complainant and his family members.

10. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent coupled with the fact that adequate materials are not available on record to substantiate either the theory of injury received or the snatching of the valuables as also the fact that there is delay of three days in lodging of the complaint coupled with the fact that though the learned trial court had directed for issuance of processes under Section 82 CrPC, but subsequently the same was recalled vide order dated 15.04.2025, let the above named appellants, in the event of their arrest/surrender within a period of six 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 Additional District and Sessions Judge 1st-cum-Special Judge, Madhubani, in connection with SC/ST P.S. Case No. 38 of 2023, subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C..

11. Accordingly, this appeal is allowed and the impugned order dated 13.09.2024 rejecting the prayer for grant of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	13.02.2026.
Uploading Date	19.02.2026.
Transmission Date	19.02.2026.

