

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5039 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- SC/ST District- East Champaran

1. PRINCE SINGH S/O SURENDRA SINGH VILLAGE- MANANPUR P.S- KALYANPUR DISTRICT- EAST CHAMPARAN.
2. Rajesh Singh S/O Late Chandrika Singh Resident of Village- Mananpur P.S- Kalyanpur District- East Champaran.
3. Prashant Kumar@Prashant Singh S/o Suresh Singh Resident of Village- Mananpur P.S-Kalyanpur District- East Champaran.
4. Yashwan Kumar @Yashwant Singh S/o Hari Singh Resident of Village- Mananpur P.S-Kalyanpur District- East Champaran.
5. Aman Kumar S/o Raj Kishore Singh Resident of Village- Mananpur P.S- Kalyanpur District- East Champaran.
6. Shivam Kumar @ Shivam Dubey S/o Bhageshwar Dubey Resident of Village- Mananpur P.S-Kalyanpur District- East Champaran.
7. Suresh Singh @ Jitendra Singh S/o late Laxan Singh Resident of Village- Mananpur P.S-Kalyanpur District- East Champaran.
8. Ravindra Singh @ Shauli Singh S/o Late Raghunath Singh Resident of Village- Mananpur P.S-Kalyanpur District- East Champaran.
9. Sanjay Singh S/o Bikrama Singh Resident of Village- Mananpur P.S- Kalyanpur District- East Champaran.
10. Surendra Singh S/o Late Laxan Singh Resident of Village- Mananpur P.S- Kalyanpur District- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Hargen Paswan S/O Late Nawrang Paswan Resident of Village- Mananpur P.S-Kalyanpur District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Subodh Kumar Barnwal, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Special PP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 30-03-2026 1. Heard learned counsel for the appellants, learned

Spl. P.P. for the State, Ms. Usha Kumari 1 and the learned

counsel appearing on behalf of the informant.



2. This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 10.09.2024 in A.B.P. No. 3852 of 2024 passed by the learned Special Judge S.C./S.T. (POA) Act, East Champaran in connection with Motihari SC/ST P.S. Case No. 38 of 2024 registered for the offences punishable under Sections 147, 341, 323, 324, 307, 327, 354, 379 and 504 of the Indian Penal Code as well as Sections 3(i)(r)(s) and 3(2)(v) of the SC/ST Act.

3. Learned counsel for the appellants submits that appellant nos. 6, 7, 8, 9 and 10 have antecedent of one case and rest of the appellants are persons with clean antecedent and the informant alleges that accused persons including the appellants along with 4-5 unknown accused came and started forcibly ploughing his land, on objection, all the accused abused him by taking caste name and Prince assaulted his son Chotan by knife causing cut injury on his finger while Suresh assaulted Ram Kumar by *farsa* causing injury on head and when female members of the family along with others came to save them, other accused persons assaulted them by lathi, danda rod etc. while Sanjeev and Shivam threatened by gun and tore the cloth



of female members of informant's family.

4. Learned counsel for the appellants submits that appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place. It is also submitted that allegation of abuse and assault is not specific.

5. Learned Spl. P.P. for the State as well as the learned counsel appearing on behalf of the informant opposes the appeal. Learned counsel appearing on behalf of the informant submits that specific allegation of assaulting Chotan by knife causing cut injury on his finger is against Prince while Suresh is alleged to have assaulted Ram Kumar by *farsa* causing injury on head. It is also submitted that the injured has been treated in the hospital.

6. After hearing the learned counsel for the parties, the order dated 10.09.2024 with respect to appellant nos. 2, 3, 4, 5, 6, 8, 9 and 10, **is hereby set aside** and the appellants above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand)



each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Motihari SC/ST P.S. Case No. 38 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. However, the Court is not inclined to extend the privilege of anticipatory bail to Prince and Suresh i.e. appellant nos. 1 and 7 respectively.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

