

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5448 of 2024

Arising Out of PS. Case No.-269 Year-2024 Thana- ADAPUR District- East Champaran

1. Kishori Bhagat S/O Hardeo Bhagat @ Harkhdeo Bhagat @ Harkhman Mahto Village- Maghi, P.S.- Aadapur, District- East Champaran
2. Bipin Prasad Kushwaha @ Bipin Kumar S/O Kishori Bhagat Village- Maghi, P.S.- Aadapur, District- East Champaran
3. Bhup Narain Prasad Khushwaha @ Bhup Narayan Kumar S/O Kishori Bhagat Village- Maghi, P.S.- Aadapur, District- East Champaran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Gani Baitha S/O Ramdarash Baitha Village- Maghi, P.S.- Aadapur, District- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Dhananjay Kumar No.2, Advocate

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

6 13-02-2026 Heard learned counsel for the appellants, learned counsel for respondent No.2 and learned Special Public Prosecutor appearing for the State.

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 12.11.2024 passed by learned Special Judge, SC/ST Act, East Champaran, Motihari, in A.B.P. No. 4381/2024 arising out of Adapur P.S. Case No. 269 of 2024 registered under Sections



105, 79 and 3(5) of the B.N.S. and Sections 3(1)(r)(s) and 3(2) (va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, the informant alleged that on 29.08.2024 at 07:00 A.M., his father had gone to his field when on account of naked wire put up by the appellants around the watered field with support of bamboo's sticks, he got electrocuted and died. When the informant went to the house of the appellants to ask about the incident they abused him by taking his caste name and threatened him not to lodge a case otherwise he would face dire consequences.

4. Learned counsel for the appellants submits that the appellants, who are of clean antecedent, are innocent and have not committed any offence. It is further submits that as a matter of fact, the death of the deceased was due to accident, the appellants have no motive to kill the deceased. The description of P.O. as mentioned in para-6 of the case diary, although states about an electric wire being there from all the sides of the boundary affixed on a bamboo, but that does not suggest that it was done with a purpose to kill the deceased As regards allegation of abuse with the caste name attracting the rigours of



SC & ST Act is concerned, it is not committed in public place nor any person has been named to be present at the place of occurrence when the alleged offence of abuse was being committed. Hence, the impugned order may be set aside and the appellants may be granted the privilege of anticipatory bail.

5. Learned Special Public Prosecutor for the State and learned counsel for respondent No.2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants. It is further submitted that the death of the deceased was actually an intentional act of the appellants.

6. Considering the entire facts and circumstances of the case and also the fact that the appellants bear clean antecedent, 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 Special Judge, SC/ST Act, East Champaran, Motihari, in connection with Adapur P.S. Case No. 269 of 2024 subject to the conditions laid down under Section 482(2) of the B.N.S.S/Section 438(2) of the Cr.P.C.

7. Accordingly, this appeal is allowed and the impugned order dated 12.11.2024 rejecting the prayer for grant



of anticipatory bail to the appellants is set aside.

(Praveen Kumar, J)

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