

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4911 of 2025

Arising Out of PS. Case No.-493 Year-2025 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Shambhu Mehta S/O Late Mahadev Mehta R/O Mohalla- Mahua Saheed, Aurangabad, P.S - Aurangabad Town, District - Aurangabad.
 2. Pradeep Mehta @ Jhalbu Mehta @ Pradeep Kumar S/O Late Shivpujan Mehta R/O Mohalla- Mahua Saheed, Aurangabad, P.S - Aurangabad Town, District - Aurangabad.
 3. Ranjeet Kumar @ Kehal S/O Pukar Mehta R/O Mohalla- Mahua Saheed, Aurangabad, P.S - Aurangabad Town, District - Aurangabad.
 4. Manish Kumar S/O Late Pukar Mehta R/O Mohalla- Mahua Saheed, Aurangabad, P.S - Aurangabad Town, District - Aurangabad.
 5. Vivek Kumar S/O Shambhu Mehta R/O Mohalla- Mahua Saheed, Aurangabad, P.S - Aurangabad Town, District - Aurangabad.
 6. Bittu Kumar S/O Shambhu Mehta R/O Mohalla- Mahua Saheed, Aurangabad, P.S - Aurangabad Town, District - Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Hari Narayan Prasad S/O Late Ghanshyam Saw R/O Village- Mahua Saheed, Ward No. 29, Aurangabad, P.S.-Aurangabad Town, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anirudh Kumar Verma, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

5 17-07-2026 Heard the learned counsel for the appellant, the learned counsel appearing on behalf of the respondent no. 2 and the learned Spl. P.P. for the State.

2. That the present appeal has been filed for setting aside the order dated 09.09.2025 passed by the learned District & Addl. Sessions Judge-I- cum- Special Judge, SC/ST, NDPS,



Children Act, Aurangabad in relation to Aurangabad Town P.S. Case No. 493 of 2025 registered under Sections 352 and 351 (2), 3(5) of the B.N.S., 2023 & Section 3(1)(r), 3(1)(s) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by which the prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that on 08.08.2025 while encroachment was being removed, in terms of directions given by this Hon'ble Court in C.W.J.C. No. 14320 of 2025 of the persons who have illegally encroached and are doing business of selling fruits in the campus of Sri Sankat Mochan Manas Temple, the shop of the appellants and Pradeep Mehta was also removed. Due to such removal at around 4 PM in evening, the appellants along with other named accused persons abused the president, vice president, the treasurer and member of the trust committee of the temple by using filthy language and also abused the treasurer Arjun Kumar by taking name of his caste and also threatened to kill them and to implicate in a false case.

4. The learned counsel for the appellants submits that the allegations leveled in the FIR are entirely false and



concocted. He further submits that the appellants have been made accused in the present case due to local politics, since the appellants have not supported the wife of one Jitendra Paswan in the previous ward election and due to that enmity the present case has been lodged. He further submits that prior to institution of the present case on 12.08.2025, the appellant had given a sanaha before the local police station on 10.08.2025, however no FIR was registered. He further submits that prior to the said occurrence the appellant had also got a sanaha instituted against one Jeetendra Paswan, who is also a member of the trust, however no FIR was lodged by the police and he had also filed an informatory petition bearing 207 of 2025 with regard to rivalry related to the local election. The learned counsel for the appellants submits that the appellants are a fruit vendor, who runs their fruit shop outside the temple and the informant and other members of the trust committee used to ask for money from the appellants and other fruit sellers for running their shop near the temple. He further submits that no such occurrence has taken place and only with a view to implicate the appellants in the preset case, the present FIR has been lodged. The appellant no. 1 has got 2 criminal antecedents against him out of which, in one case Final Form has already been submitted and in another



case, he is on bail. So far the appellant no. 2 is concerned, 1 case is pending against him in which he is on bail. So far the appellants no. 3 to 6 are concerned, they have got no criminal antecedent.

5. *Per contra*, the learned counsel appearing on behalf of the informant submits that the appellants were running shop inside the temple premises, for which a writ petition was filed and on the basis of the order passed in the writ petition, the encroachment was being removed and since the appellants were ousted from the temple premises, in retaliation they abused the informant and other members of the trust and also abused the informant by taking name of his caste in full public view. He further submits that a notice was given to the appellants to remove their respective shops by the Nagar Parisad on 05.08.2025, however they did not remove their shops from the temple premises and later on, the same was forcefully removed by the authorities in terms of order passed in the writ petition.

6. The learned counsel for the State also opposes the prayer for bail of the appellants and submits that the appellants do not deserve the privilege of anticipatory bail.

7. Considering the rival submissions and after going through the records, it appears that there is a dispute in between



the parties with regard to encroachment made by the appellants and others for running their fruit shops near the temple premises. The appellant no. 1 has given complaint/sanaha against the members of the temple trust committee and on account of removal of the encroachment on the said date i.e., 08.08.2025 an altercation took place for which the present FIR has been lodged and to make the offence look serious allegations of taking name of caste in public place has been leveled by the informant. In the facts and circumstances of the case, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court, in connection with Aurangabad Town P.S. Case No. 493 of 2025, subject to the condition as laid down under Section 482(2) of B.N.S.S., with further condition:-

(I) That the learned court concerned shall verify the criminal antecedent of the appellants and in case at any stage, it is found that the appellants have concealed their criminal antecedent, the Court concerned shall take steps for cancellation of bail bonds of the appellants. 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.

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

(Ritesh Kumar, J)

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