

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5032 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- SC/ST District- Patna

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1. Deepak Kumar @ Chotu @ Deepesh Kumar S/O Late Dinanath Sharma Resident Of Mohalla - East Lohanipur, Das Lane, P.O and P.s- Kadamkaun, Dist- Patna.
 2. Harsh Kumar S/O Late Dinanath Sharma Resident Of Mohalla - East Lohanipur, Das Lane, P.O and P.s- Kadamkaun, Dist- Patna.
 3. Ajay Kumar S/O Late Ram Pravesh Prasad Resident Of Mohalla - East Lohanipur, Das Lane, P.O and P.s- Kadamkaun, Dist- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi W/O Shri Anil Choudhary Resident Of Mohalla - East Lohanipur, Saraswati Lane, P.O and P.s- Kadamkaun, Dist- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mthilesh Kumar, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P
For Respondent No.2	:	Mr. Anang Mohan Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL ORDER

4 17-07-2026 Heard learned counsel for the appellants, learned counsel for respondent No.2 and learned Special Public Prosecutor for the State.

2. The present appeal has been filed seeking grant of bail and setting aside the order dated 20.09.2025 passed by the learned Court of Exclusive Special Judge, SC & ST Act Civil Court (Sadar) Patna in Anticipatory Bail Petition No. 3973 of 2025 arising out of SC & ST P.S. Case No. 42 of 2025, for the offence punishable under Sections 126(2), 115(2), 74, 352,



351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(i)(r)(s)(g)/3(2)(va) of the Scheduled Castes & the Scheduled Tribes (Prevention Of Atrocities) Act, 1989.

3. As per the prosecution, informant had purchased a piece of land measuring 5 dhurs having Khata No. 34 and Plot No. 24 from Akhileshwari Devi through an agreement for sale but possession of the land could not be registered as Akhileshwari Devi had not obtained Probate. At present there is a double storey on the said land and the informant has been residing there since last 20 years. On 13.06.2025, F.I.R named accused persons trespassed into the informant's house, abused her daughter taking caste name and asked the family to vacate the premises otherwise they will kill the entire family. On the informant's objection, the accused persons allegedly pulled down the informant and her daughter and assaulted them by fists and slaps. On hearing the commotion, the informant's son arrived at the spot and was similarly abused and assaulted. It is further alleged that the accused persons locked the southern gate of the premises, encroached upon the adjoining 5'6" wide lane by raising unauthorized construction (a hut), and accused Ajay Kumar affixed his nameplate on the wall of the house and got an electricity connection installed in his name over the said



property. It is alleged that the accused persons have been repeatedly visiting the premises and threatened them to vacate the house.

4. Learned counsel for the appellants submits that the appellants have committed no offence and have falsely been implicated in this false case. He further submits that there is a lapse of 24 days in lodging an F.I.R and date of occurrence. Learned counsel for the appellants also submits that alleged occurrence took place inside the house which is not within the public view. Hence no offence is made out under the SC & ST Act.

5. Learned Special Public Prosecutor for the State and learned counsel for the informant have vehemently opposed the prayer for bail of the appellants.

6. In the present facts and circumstances of this case, considering the fact that there is general and omnibus allegation against the appellants, therefore, let the above named appellants be released on bail, in the event of arrest or surrender before the Trial Court within a period of six weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of learned Court of Exclusive Special Judge, SC & ST Act Civil Court (Sadar)



Patna in connection with SC & ST P.S. Case No. 42 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

7. Accordingly, the order dated 20.09.2025 passed by the learned Court of Exclusive Special Judge, SC & ST Act Civil Court (Sadar) Patna, in Anticipatory Bail Petition No. 3973 of 2025 arising out of SC & ST P.S. Case No. 42 of 2025 is hereby set aside and the present appeal stands allowed.

(Alok Kumar, J)

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