

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.220 of 2025

Arising Out of PS. Case No.-69 Year-2024 Thana- THAKRAHA District- West Champaran

1. Dhanmohan Tiwari Son of Late Harikishun Tiwari village- Nawka Tola Thakraha PS -Thakraha Dist- West Champaran
2. Sukat Mahto @ Guddu Mahto son of Late Dalu Mahto village- Nawka Tola Thakraha PS -Thakraha Dist- West Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Ram son of Late Changar Ram village- Nawka Tola Thakraha PS -Thakraha Dist- West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Aditya Nath Jha, Advocate
For the Respondent/s : Ms.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 25-11-2025 Heard learned counsel for the appellants and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 20.12.2024 passed by the learned 1st District and Additional Sessions Judge-cum-Special Judge (SC & ST), Bettiah, West Champaran in A.B.P. No. 2833 of 2024 in connection with Thakraha P.S. Case No. 69 of 2024 registered under Sections 126(1), 115(2), 74, 303(2), 324(2), 352, 351(2), 3(5) of the B.N.S. and under Section 3(1)(r)(s)(w)/ 3(2)(v-a) of the SC/ST Act by which the prayer of the appellants for grant of anticipatory bail has been rejected.



3. As per the prosecution case, the appellants are alleged to have assaulted the informant and have abused him by taking caste name.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as the occurrence has taken place due to trivial issue and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State has opposed the prayer of the appellants.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that he is a member of SC/ST community and primarily, it appears that the occurrence has taken place due to trivial issue.

7. In these circumstances, this application for grant of anticipatory bail is held to be maintainable.

8. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 20.12.2024 passed by the learned 1st District and Additional Sessions Judge-cum-Special Judge (SC & ST), Bettiah, West Champaran in A.B.P. No. 2833 of 2024 in



connection with Thakraha P.S. Case No. 69 of 2024, is hereby set aside.

9. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st District and Additional Sessions Judge-cum-Special Judge (SC & ST), Bettiah, West Champaran /concerned Court below in connection with Thakraha P.S. Case No. 69 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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