

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.301 of 2025

Arising Out of PS. Case No.-190 Year-2024 Thana- KARAI PARSURAI District- Nalanda

Gopal Kumar @ Gopali Mahto @ Gopali Mahtoki S/O Domu Mahto
Resident of vill.-Chhitarbigaha, PS- Karai Parsurai, Dist- Nalanda

... .. Appellant/s

Versus

1. The State Of Bihar
2. Dharm Sheela Devi W/O Mangal Manjhi Resident of vill.-Chhitarbigaha,
PS- Karai Parsurai, Dist- Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kumari Anupam
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-11-2025 Heard learned counsel for the appellant, learned
counsel for the Informant and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 10.12.2024 passed in ABP No. 2035 of 2024 in connection with Karai Parsurai P.S. Case No. 190 of 2024 registered under Sections 126(2), 115(2), 326(g), 324(4), 74, 352, 351(2), 3(5) of the BNS and under Section 3(i)(r)(s)/3(2)(va) of the SC/ST Act by which the prayer of the appellant for grant of anticipatory bail has been rejected.

3. As per the prosecution case, the appellant is alleged to have assaulted the informant because of trivial dispute and have abused her by taking caste name.



4. Learned counsel for the appellant submits that the appellant has 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 because of trivial dispute and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State and learned counsel for the informant have opposed the prayer of the appellant.

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

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 10.12.2024 passed in ABP No. 2035 of 2024 in connection with Karai Parsurai P.S. Case No. 190 of 2024, is hereby set aside.

9. Let the appellant, in the event of his 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 Court of ADJ-VI-cum-Speical Judge, SC/ST Act, Nalanda at Biharsharif/concerned Court below in connection with Karai Parsurai P.S. Case No. 190 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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