

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.308 of 2025

Arising Out of PS. Case No.-473 Year-2024 Thana- BHAGWAN BAZAR District- Saran

1. Vikash Rai Son of Sugriv Rai Resident of Village - Chhota Brahmpur, P.S. - Bhagwan Bazar, District - Saran at Chapra
2. Baikunth Rai Son of Saral Rai @ Late Amirchand Rai Resident of Village - Chhota Brahmpur, P.S. - Bhagwan Bazar, District - Saran at Chapra
3. Laxman Rai Son of Saral Rai @ Late Amirchand Rai Resident of Village - Chhota Brahmpur, P.S. - Bhagwan Bazar, District - Saran at Chapra
4. Sugriv Rai @ Sugrim Rai Son of Saral Rai @ Late Amirchand Rai Resident of Village - Chhota Brahmpur, P.S. - Bhagwan Bazar, District - Saran at Chapra
5. Pashuram Rai @ Parshuram Rai Son of Saral Rai @ Late Amirchand Rai Resident of Village - Chhota Brahmpur, P.S. - Bhagwan Bazar, District - Saran at Chapra
6. Anju Devi Wife of Pashuram Rai @ Parshuram Rai Resident of Village - Chhota Brahmpur, P.S. - Bhagwan Bazar, District - Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Juli Kumari Wife of Dhiraj Baitha Resident of Village - Chhota Brahmpur, P.S. - Bhagwan Bazar, District - Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Chandra Mohan Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-11-2025 Heard the parties.

2. This appeal is preferred against the order dated 9.12.2024 passed by the learned SC/ST Exclusive Special Judge, Saran at Chhapra in ABP No. 3755 of 2024 in connection with Bhagwan Bazar P.S. Case No. 473 of 2024 registered for the offence under Sections 126(2), 115(2), 118(1), 117(2), 109,



303(2), 3(5) and under section 3 (2) (s), 3(1)(r), 3 (1) (s) of S.C/S.T. (POA) Act by which anticipatory bail filed by the appellants has been rejected.

3. As per the prosecution case, for a trivial dispute, the appellants are said to have assaulted the prosecution side and have abused by taking caste name.

4. Learned counsel for the appellants 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 a trivial dispute and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State has 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 for a trivial dispute the occurrence has taken place and therefore, this application for grant of anticipatory bail is held to be maintainable.

7. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and accordingly, the order dated 9.12.2024 passed by the learned



SC/ST Exclusive Special Judge, Saran at Chhapra in ABP No. 3755 of 2024 in connection with Bhagwan Bazar P.S. Case No. 473 of 2024, is hereby set aside.

8. 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 SC/ST Exclusive Special Judge, Saran at Chhapra in connection with Bhagwan Bazar P.S. Case No. 473 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)

Vikas/-

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