

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.704 of 2025

Arising Out of PS. Case No.-405 Year-2024 Thana- DARAUNDA District- Siwan

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Vinay Kumar Prasad @ Vinay Kumar Son of Manoj Prasad @ Manoj Kumar
Prasad Resident of Village - Nawalpur, P.S. - Daraunda, District - Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhoni Kumar Son of Rama Shankar Ram Resident of Village - Nawalpur,
P.S. - Daraunda, District - Siwan

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Javed Aslam, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, SPP
For the Resp. No.2	:	Mr. Ashok Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-11-2025 Heard the parties.

2. This appeal is preferred against the order dated 03.01.2025 passed by learned First Additional Sessions Judge -cum- Special Judge, Siwan in connection with Daraunda P.S. Case No. 405 of 2024 registered for the offence under Sections 126(2), 115(2), 303(2), 118(2), 352, 351(3) of the Bhartiya Nyaya Sanhita and sections 3(i)(r)(s) of S.C/S.T. (POA) Act by which anticipatory bail filed by the appellant has been rejected.

3. As per the prosecution case, the appellant and the informant are neighbour and the appellant is alleged to have snatched the mobile phone and assaulted the informant in the midnight. The appellant is also alleged to have abused the



informant by his 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 as for a trivial dispute, this false and fabricated case has been lodged against the appellant. Therefore, the application of the anticipatory bail is maintainable.

5. Learned counsel for the State and the Informant have vehemently opposed the prayer of the appellant.

6. From reading of the entire FIR, it does not appear that the offence has been committed against the informant on the ground that he is a member of SC/ST community and primarily, it appears that because of personal dispute, this false case has been lodged against the appellant and such type of mala fide prosecution cannot be allowed to continue, 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 03.01.2025 passed by learned First Additional Sessions Judge -cum- Special Judge, Siwan, is hereby set aside.



8. 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) with two sureties of the like amount each to the satisfaction of the learned First Additional Sessions Judge -cum- Special Judge, Siwan/concerned Court below in connection with Daraunda P.S. Case No. 405 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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