

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.627 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- JAMHOR District- Aurangabad

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1. Sunil Kumar Son of Vijay Yadav @ Indal Singh @ Vijay Singh Resident of Village - Kalyanpur, P.S. - Jamhore, District -Aurangabad.
 2. Pappu Kumar Son of Viinay Yadav Resident of Village - Kalyanpur, P.S. - Jamhore, District -Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bilendra Paswan Son of Bhusan Paswan Resident of Village - Kalyanpur, P.S. - Jamhore, District -Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs.Mukul Kumari, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, SPP
For the Resp. No.2	:	Mr. Leelawati Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

3 13-11-2025 Heard the parties.

2. This appeal is preferred against the order dated 21.01.2025 passed by learned Special Judge (SC/ST -cum- 1st District and Additional Sessions Judge, Aurangabad in connection with Jamhore P.S. Case No. 08 of 2025 registered for the offence under Sections 281, 125, 324(4), 352, 351(2), 3(5) of the B.N.S. and Sections 3(1) (r), 3(1) (s), 3(2)(va) of S.C/S.T. (POA) Act by which anticipatory bail filed by the appellants has been rejected.

3. As per the prosecution case, the occurrence has taken place because of an accident. The appellants are also



alleged to have abused the informant by his caste name.

4. Learned counsel for the appellants submits that the appellants are falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out against them. Accordingly, the application for anticipatory bail of the appellants is maintainable.

5. Learned counsel for the State and the Informant have vehemently opposed the prayer for anticipatory bail of the appellants.

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 dispute has been given colour of criminal case 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 21.01.2025 passed by learned Special Judge (SC/ST -cum- 1st District and Additional Sessions Judge, Aurangabad in connection with Jamhore P.S. Case No. 08 of 2025, 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 Special Judge (SC/ST -cum- 1st District and Additional Sessions Judge, Aurangabad/concerned Court below in connection with Jamhore P.S. Case No. 08 of 2025, 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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