

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 646 of 2025

Arising Out of PS. Case No.-537 Year-2024 Thana- MOKAMAH District- Patna

1. Arvind Kumar @ Arvind Yadav Son of Angia Prasad Resident of Village- Mekra Bujurg, Ward NO. 3, P.S.- Mokama, Distt.- Patna, Bihar
2. Dhananjay Kumar Son of Angia Prasad Resident of Village- Mekra Bujurg, Ward NO. 3, P.S.- Mokama, Distt.- Patna, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajnish Kumar Son of Radhey Rajak Resident of Village- Mekra Bujurg, Ward NO. 3, P.S.- Mokama, Distt.- Patna, Bihar

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 986 of 2025

Arising Out of PS. Case No.-537 Year-2024 Thana- MOKAMAH District- Patna

Dharamvir Kumar @ Tuntun Yadav Son of Sri Angira Prasad Resident of Village - Mekra Bujurg, P.S. - Mokama, District - Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajnish Kumar Son of Radhe Rajak Resident of Village - Mekra Bujurg, P.S. - Mokama, District - Patna

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 646 of 2025)

For the Appellant/s : Mr.Kumar Manglam, Adv.

For the Respondent/s : Mrs.Usha Kumari 1, SPP

For the Resp. No.2 : Mr. Dheeraj Kumar, Adv.

(In CRIMINAL APPEAL (SJ) No. 986 of 2025)

For the Appellant/s : Mr.Kumar Manglam, Adv.

For the Respondent/s : Mrs.Usha Kumari 1, SPP

For the Resp. No.2 : Mr. Dheeraj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-11-2025 Heard the parties in both the cases.

2. Both the appeals are preferred against the orders
dated 24.01.2025 and 10.02.2025 passed by learned Exclusive



Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Mokama P.S. Case No. 537 of 2024 registered for the offence under Sections 126(2), 115(2), 109(1), 352, 351(2), 3(5) of the B.N.S. and under sections 3(i)(r)(s)/3(2)(va) of the S.C/S.T. (POA) Act by which anticipatory bail filed by the appellants has been rejected.

3. As per the prosecution case, for the trivial dispute, the appellants are alleged to have stopped the Informant and 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 as for a trivial dispute, the present false and fabricated case has been lodged against the appellants and, therefore, the application for anticipatory bail of the appellants is maintainable.

5. Learned counsel for the State and the Informant have vehemently opposed the prayer 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 the trivial dispute has been given the colour of criminal case and, such type of mala fide prosecution



cannot be allowed to continue. Accordingly, both the applications for grant of anticipatory bail is held to be maintainable.

7. Considering the facts of the case and the rival submissions of the parties, both the appeals are allowed and accordingly, both the orders dated 24.01.2025 and 10.02.2025 passed by learned Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Mokama P.S. Case No. 537 of 2024, are hereby set aside.

8. Let the appellants, above named, 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 Exclusive Special Judge, SC/ST Act, Civil Court (Sadar), Patna in connection with Mokama P.S. Case No. 537 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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