

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2354 of 2024

Arising Out of PS. Case No.-736 Year-2022 Thana- WAJIRGANJ District- Gaya

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1. Anish Singh @ Anish Kumar S/O Nidhi Singh @ Awadhesh Kumar Resident of Village-Manaini, P.S.-Wazirganj, District-Gaya
 2. Sonu Kumar @ Subham Kumar S/o Bipin Singh @ Bipin Kumar Resident of Village-Manaini, P.S.-Wazirganj, District-Gaya

... .. Appellants

Versus

1. The State of Bihar
2. Ankur Chaudhary S/O Rampravesh Chaudhary Resident of Village-Manaini, P.S.-Wazirganj, District-Gaya

... .. Respondents

Appearance :

For the Appellant/s : Ms.Preety Kunwar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 25-11-2025 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

2. This appeal is preferred against the order dated 30.04.2024 passed by the learned Exclusive Special Judge SC/ST Special Court, Gaya in A.B.P. No. 130 of 2024 in connection with Wazirganj P.S. Case No. 736 of 2022 registered under Sections 341, 323, 379, 504, 34 of the I.P.C. and under Section 3(1)(r)(s) of the SC/ST Act by which the prayer of the appellants for grant of anticipatory bail has been rejected.

3. As per the prosecution case, six accused persons including the appellants are alleged to have assaulted the



informant and his wife and have abused him by taking his caste name.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and there is general and omnibus allegation against the appellants of assaulting the informant with stick (*lathi*) and no offence under the provisions of SC/ST Act is made out in this case as the occurrence has taken place due to issues related to local politics and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State has opposed the prayer of the appellants.

6. From the reading of the entire FIR it does not appear that 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 occurrence has taken place due to issues related to local politics.

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 30.04.2024 passed by the learned



Exclusive Special Judge SC/ST Special Court, Gaya in A.B.P. No. 130 of 2024 in connection with Wazirganj P.S. Case No. 736 of 2022, is hereby set aside.

9. 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 Exclusive Special Judge SC/ST Special Court, Gaya/concerned Court below in connection with Wazirganj P.S. Case No. 736 of 2022, 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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