

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2693 of 2024

Arising Out of PS. Case No.-83 Year-2023 Thana- PARWALPUR District- Nalanda

Nishu Kumar @ Shashi Ranjan Kumar S/o Bharat Singh @ Bharat Kumar
R/O Village Sonchari, P.S.- Parwalpur District- Nalanda,

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Pramod Kumar Sinha, Advocate

For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 11-11-2025 Heard learned counsel for the appellants, learned Spl.
P.P. for the State and learned counsel for the Informant.

2. This appeal is preferred against the order dated 08.02.2024 passed by the learned Addl. Sessions Judge-VI-cum-Spl. Judge (SC/ST, Act) Nalanda at Bihar Sharif passed in ABP No. 129 of 2024, in connection with Parwalpur P.S. Case No. 83 of 2023, registered under Sections 147, 148, 149, 341, 323, 504, 506, 307, 353, 333, 115, 120(B), 337, 338, 189, 212, 385, 332, 186, 151, 152, 153 and 283 of the Indian Penal Code and under Section 3(1)(r)(s), 3(2)(v) of the S.C./ S.T. Act, by which the prayer for Anticipatory bail of the Appellant has been rejected.

3. As per the prosecution case, the allegation against the appellant and other co-accused persons is that they have assaulted the informant. Subsequently, during the course of



investigation 30 named women accused persons have been exonerated.

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 main thrust of allegation is because of a trivial dispute and not because of prosecution side belonging to the SC/ST community, therefore not even a prima facie case is made out and consequently, this application for anticipatory bail is maintainable. He relies upon the Judgment of the Hon'ble Supreme Court in the case of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.*** reported in ***2025 INSC 1067*** and in the case of ***Hitesh Verma Vs. State of Uttarakhand*** reported in ***(2020) 10 SCC 710***.

5. Learned counsel for the State and the informant have opposed the prayer of the appellants for grant of bail.

6. I have considered the submissions of the parties and perused the materials on record.

7. From reading of the F.I.R., it appears that the the allegation leveled against the appellant is general and omnibus in nature and it does not appear that offence has been



committed against the informant on the ground that he is a member of S.C./S.T. community.

8. Considering the aforesaid facts and also the law laid down by the Hon'ble Supreme Court in the case of *Kiran vs. Rajkumar Jivraj Jain and Anr. (Supra)* and in the case of *Hitesh Verma Vs. State of Uttarakhand (supra)*, this application for grant of anticipatory bail is held to be maintainable.

9. Having considered the submissions of the parties and also considering the facts of the case, this appeal is allowed. Accordingly, the order dated 08.02.2024 passed by the learned Addl. Sessions Judge-VI-cum-Spl. Judge (SC/ST, Act) Nalanda at Bihar Sharif passed in ABP No. 129 of 2024, in connection with Parwalpur P.S. Case No. 83 of 2023, is hereby set aside.

10. Let the appellants, in the event of her 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 Addl. Sessions Judge-VI-cum-Spl. Judge (SC/ST, Act) Nalanda at Bihar Sharif, in connection with Parwalpur P.S. Case No. 83 of 2023, subject to the conditions laid down under



Section 438(2) of the Code of Criminal Procedure/482(2) of the
BNSS.

(Sandeep Kumar, J)

manish/-

U			
---	--	--	--

