

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2851 of 2024

Arising Out of PS. Case No.-179 Year-2024 Thana- BIHTA District- Patna

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1. Md. Seraj @ Seraj Kumar S/o Md. Nabi Hassan Resident of Village Kutlupur, P.S. - Bihta, Distt. - Patna
 2. Md Shahnawaz Alam @ Md Shahnawaz @ Kallu Kumar S/o Md. Nabi Hassan Resident of Village Kutlupur, P.S. - Bihta, Distt. - Patna
 3. Ekbal Ali @ Eqbal Ali @ Sonu Kumar S/o Nahif Raza @ Nahif Ansari Resident of Village Kutlupur, P.S. - Bihta, Distt. - Patna

... .. Appellants

Versus

1. The State of Bihar
2. Hira Mani Devi W/o Lt. Ramdeo Paswan Resident of Village Kutlupur, P.S. - Bihta, Distt. - Patna

... .. Respondents

Appearance :

For the Appellants : Mr. Pawan Kumar Singh, Advocate
For the Respondents : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 07-11-2025 Heard learned counsel for the appellants, learned
Spl. P.P. for the State and counsel for the Informant.

2. This appeal is preferred against the order dated 18.05.2024 passed by the learned Exclusive Special Judge, S.C./S.T. Act, Civil Court (Sadar), Patna in Bihta P.S. Case No.179 of 2024 registered for the offence under sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and under Section 3(i)(r)(s)/3(2)(va) of the S.C./ S.T. Act.

3. Since the appellant no.2 has been arrested, his bail application is permitted to be withdrawn. Accordingly,



this appeal is dismissed as withdrawn as against the appellant no.2.

4. As per the prosecution case, the allegation against the appellants is that they have assaulted the informant and her family members and also threatened them.

5. 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 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***.

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

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



8. From reading of the F.I.R., it appears that the occurrence has taken place on account of pending civil dispute between the parties 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. Further, there is not even a whisper about the caste of the informant side.

9. 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.

10. Having considered the submissions of the parties and also considering the fact that both the parties are neighbours and there is case and counter case between them and further, the injuries sustained by the injured are simple in nature, this appeal is allowed. Accordingly, the impugned order dated order dated 18.05.2024 passed by the learned Exclusive Special Judge, S.C./S.T. Act, Civil Court (Sadar), Patna in Bihta P.S. Case No.179 of 2024 is hereby set aside.

11. Let the appellant nos. 1 and 3, 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, S.C./S.T. Act, Civil Court (Sadar), Patna, in connection with Bihta P.S. Case No.179 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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