

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2754 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- KHUDWA District- Aurangabad

Rajkumar Sharma Son of Late Ishwari Sharma R/O Village- Khudwan, P.S.-
Khudwan, District- Aurangabad

... .. Appellant/s

Versus

1. The State Of Bihar BIHAR
2. Mahendra Chaudhary Son of Badhu Chaudhary R/O Village- Khudwan,
P.S.- Khudwan, District- Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Santosh Kumar Pandey
For the Respondent/s : Mr.Binay Krishna
For the Informant : Mr. Santosh Chandra Bhaskar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellant, learned
counsel for the Informant and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 27.05.2024 passed by the learned Spl. Judge, SC/ST Act-cum-1st Additional District and Sessions Judge, Aurangabad in A.B.P. No. 981 of 2024 arising out of Khudwan P.S. Case No. 41 of 2024 registered for the offence under Sections 341, 323, 325, 379, 504 and 506 of the Indian Penal Code and under Section 3(i)(r)(s)/3(2)(v-a) of the SC/ST Act by which the prayer of the petitioner for grant of anticipatory bail has been rejected.

3. As per the prosecution case, the appellant is alleged



to have snatched money from the informant and have also used abusive language against him.

4. Learned counsel for the appellant 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 and therefore the application of the anticipatory bail is maintainable. Relying on annexure-II, learned counsel for the appellant further submits that the appellant has already paid Rs. 13,000/- to the informant and only 2000/- of the agreed amount is remaining with the appellant to be paid for the tent of the informant. He further submits that the appellant was ready to pay the remaining amount also but subsequently, this false case has been filed against the appellant under the SC/ST Act.

5. Learned counsel for the State and learned counsel for the informant have opposed the prayer of the appellant.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears that the occurrence has taken place because the appellant and the informant were having some dispute over money.

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 27.05.2024 passed by the learned Spl. Judge, SC/ST Act-cum-1st Additional District and Sessions Judge, Aurangabad in A.B.P. No. 981 of 2024 arising out of Khudwan P.S. Case No. 41 of 2024, is hereby set aside.

9. Let the appellant, in the event of his 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 Spl. Judge, SC/ST Act-cum-1st Additional District and Sessions Judge, Aurangabad/concerned Court below in connection with Khudwan P.S. Case No. 41 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)

Vikas/-

U			
---	--	--	--

