

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2840 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- MAHKAR District- Gaya

Bhushan Sharma S/o- Basant Mistri Village- Sagarpur Ps- Mahkar Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Gaytri Devi wife of Sarwan Kumar Village- Sagarpur Ps- Mahkar Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar Sharma, Advocate
For the Respondent/s	:	Mrs. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 11-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This appeal has been preferred against the order dated 14.05.2024 passed by the learned Court of Exclusive Special Judge, S.C./S.T., Gaya in connection with A.B.P. No. 150 of 2024 arising out of Mahkar P.S. Case No. 65 of 2024, registered for the offences under Sections 341, 323, 379, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2) (va) of the S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, the accused persons assaulted the informant with *tangi* and *khanti*, snatched her golden chain, and abused her by taking her caste name.

4. Learned counsel for the appellant submits that the



allegations made in the F.I.R. are general and omnibus in nature, and the appellant has been falsely implicated in this case. It is further submitted that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellant. Hence, the application for anticipatory bail is maintainable. He further relies upon the judgments of the Hon'ble Supreme Court in the cases of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.***, reported in ***2025 INSC 1067***, and ***Hitesh Verma Vs. State of Uttarakhand***, reported in ***(2020) 10 SCC 710***.

5. Learned counsel for the State has opposed the prayer for bail.

6. From a perusal of the FIR, it does not appear that the alleged offence was committed against the informant on the ground that she belongs to the S.C./S.T. community.

7. In these circumstances, and considering the law laid down by the Hon'ble Supreme Court in ***Kiran Vs. Rajkumar Jivraj Jain and Anr. (supra)*** and ***Hitesh Verma Vs. State of Uttarakhand (supra)***, this application for anticipatory bail is held to be maintainable.

8. Considering the aforesaid facts and circumstances, this appeal is allowed, and accordingly, the order dated



14.05.2024 passed by the learned Court of Exclusive Special Judge, S.C./S.T., Gaya in connection with A.B.P. No. 150 of 2024 arising out of Mahkar P.S. Case No. 65 of 2024 is 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 Court of Exclusive Special Judge, S.C./S.T., Gaya/ concerned Court below in connection with A.B.P. No. 150 of 2024 arising out of Mahkar P.S. Case No. 65 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal/ Section 482(2) of the B.N.S.S.

(Sandeep Kumar, J)

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