

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2866 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- SHERGHATI District- Gaya

PRINCE SINGH @ PRINCE KUMAR SON OF SANJAY SINGH Resident
of Village - Suggasot, P.S. - Bahera (O.P.), District - Gaya
... .. Appellant/s

Versus

- 1. THE STATE OF BIHAR BIHAR
- 2. SANJAY DAS SON OF RAJENDRA DAS Resident of Village - Languraha,
P.S. - Dobhi (O.P.), District - Gaya
... .. Respondent/s

Appearance :
For the Appellant/s : Mr.Arbind Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-11-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. None appears for the informant despite valid
service of notice.

3. This appeal is preferred against the order dated
29.04.2024 passed by the learned Exclusive Special Judge,
SC/ST Act, Gaya passed in ABP No. 128 of 2024 arising out of
Sherghati P.S. Case No. 93 of 2024 registered for the offence
under Sections 341, 323, 324, 325, 384, 385, 427, 437, 147,
148, 149, 307 of the Indian Penal Code and under Section 3(i)(r)
(s) of SC and ST Act.

4. As per the prosecution case, the appellant and
others are said to have assaulted the informant on the brick kiln
and they are said to have used the caste name of the informant.

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 the appellant is a businessman who deals in construction material and he has supplied cement etc to Gautam under whom, the informant works and Gautam owed Rs. 5 lakhs to the appellant and when the appellant demanded his dues, this false case has been lodged against the appellant and not because of prosecution side belonging to the SC/ST community, therefore the application of the anticipatory bail is maintainable. He further 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 has opposed the prayer of the appellant.

7. From the reading of the entire complaint, it does not appear that offence has been committed against the informant on the ground that he is a member of SC/ST community.

8. In these circumstances, considering 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. Considering the rival submissions of the parties and the facts of the case, this appeal is allowed and accordingly, the order dated 29.04.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya passed in ABP No. 128 of 2024 arising out of Sherghati P.S. Case No. 93 of 2024 is hereby set aside.

10. 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 Exclusive Special Judge, SC/ST Act, Gaya/ concerned Court below in connection with Sherghati P.S. Case No. 93 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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