

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2868 of 2024

Arising Out of PS. Case No.-54 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

1. Madan Thakur Son of Late Ganesh Thakur Resident of Vill- Narendra Prabodhi, P.S.- Sarai, District- Vaishali.
2. Bittu Kumar Son of Madan Thakur Resident of Vill- Narendra Prabodhi, P.S.- Sarai, District- Vaishali.
3. Manoj Sah Son of Bangali Sah Resident of Vill- Maricha Ram, P.S.- Sarai, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Ranju Devi Wife of Ram Pravesh Kumar (Sunil) Resident of Vill- Maricha, P.S.- Sarai, District- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shivjee Singh

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 04-11-2025 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 16.03.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur passed in ABP No. 603 of 2024 arising out of SC/ST P.S. Case No. 54 of 2023 registered for the offence under Sections 341, 323, 354, 447, 504, 506/34 of the Indian Penal Code and under Section 3(i)(r)(s)/ 3(2)(va), 3(1)(w)(i)(ii) of SC and ST Act.

3. As per the prosecution case, the accused persons,



because of dispute over money, are said to have abused the informant and have in caste related abuses.

4. 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 dispute over money 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***.

5. Learned counsel for the State has opposed the prayer of the appellants.

6. 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.

7. 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.

8. Considering the rival submissions of the parties and the facts of the case, this appeal is allowed and accordingly, the order dated 16.03.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur passed in ABP No. 603 of 2024 arising out of SC/ST P.S. Case No. 54 of 2023 is hereby set aside.

9. Let the appellants, 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 Court, SC/ST Act, Vaishali at Hajipur/ concerned Court below in connection with SC/ST P.S. Case No. 54 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)

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