

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2854 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- TATARPUR District- Bhagalpur

Dr. Girijesh Nandan Kumar @ Grijesh Nandan Kumar Son of Late
Harnandan Sharma R/O Vill.- Kespa, P.S.- Alipur Tikri, Dist.- Gaya

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rishu Raj Son of Raj Kumar Rajat R/O Mohalla- Dhobi Tola, Thakur Bari Lane, P.S.- Nath Nagar, Dist.- Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Radha Mohan Singh
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 04-11-2025 Heard learned counsel for the appellants and

learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 20.04.2024 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur passed in ABP No. 619 of 2024 arising out of Tatarpur(University) P.S. Case No. 12 of 2024 registered for the offence under Section 341, 323, 504, 506 of the Indian Penal Code and under Sections 3(1)(r)(s) of SC and ST Act.

3. As per the prosecution case, the informant, who is an ex-student of the University, is said to have been abused by the appellant when he entered the chamber of the Registrar of the University.

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. He further submits that the informants wanted to threaten the Registrar and for the same he has filed this false and fabricated case under the SC/ST Act and the informant has not mentioned anything to show that the registrar knew him from before and knew his caste. 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 informant has 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 he is a member of SC/ST community and the same appears to be a mala fide prosecution.

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, this appeal is allowed and accordingly, the order dated 20.04.2024 passed by the learned Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur passed in ABP No. 619 of 2024 arising out of Tatarpur(University) P.S. Case No. 12 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 Additional District and Sessions Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur/concerned Court below in connection with Tatarpur (University) P.S. Case No. 12 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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