

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2865 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- GORAUL District- Vaishali

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1. Jagarnath Singh Son of Bhuneshwar Singh VILLAGE- MAHAMODPUR, PS- GOROUL (KATAHARA OP), DIST- VAISHALI
 2. Binod Singh Son of Bhuneshwar Singh VILLAGE- MAHAMODPUR, PS- GOROUL (KATAHARA OP), DIST- VAISHALI

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SANJAY PASWAN SON OF LATE FUDEN PASWAN VILLAGE- BAHWALPUR, PS- KATAHARA, DIST- VAISHALI

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ashutosh 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, learned
counsel for the Informant and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 21.05.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur passed in ABP No. 1103 of 2024 arising out of Goraul (Kathara O.P.) P.S. Case No. 121 of 2024 registered for the offence under Sections 341, 323, 324, 354, 379, 384, 504, 506, 34 of the Indian Penal Code and under Section 3(i)(r)(s) of SC and ST Act.

3. As per the prosecution case, the appellants are said to have assaulted the victim after not paying money to the



informant for the chicken they have purchased.

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 not paying money for the chicken bought by the appellants 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 21.05.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Vaishali at Hajipur passed in ABP No. 1103 of 2024 arising out of Goraul (Kathara O.P.) P.S. Case No. 121 of 2024 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 Goroul (Kathara O.P.) P.S. Case No. 121 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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