

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2899 of 2024

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

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1. Santosh Kumar @ Santosh Sharma S/o- Nageshwar Sharma Residents of village- Alahdadpur P S- Vaishali District- Vaishali
 2. Rajeev Kumar son of Lalu Rai Residents of village- Alahdadpur P S- Vaishali District- Vaishali
 3. Raushan Singh @ Raushan Kumar Singh son of Shashi Bhushan Singh Residents of village- Chakalahdad P S- Vaishali District- Vaishali
 4. Monu Kumar son of Shashi Bhushan Singh Residents of village- Chakalahdad P S- Vaishali District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Babita Devi wife of Laldeo Ram Village- Alahdadpur Ps- Vaishali Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shyameshwar Kumar Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Ms. Priyanka Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 04-11-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. This appeal has been preferred against the order dated 21.05.2024 passed by the learned Court of Exclusive Special Court S.C./S.T. Act, Vaishali at Hajipur in Vaishali P.S. Case No. 121 of 2024, registered for the offences under Sections 341, 323, 354, 354(B), 504/34 of the Indian Penal Code and Sections 3(1)(r)(s)(w)(i) and 3(2)(Va) of the S.C./S.T.



(Prevention of Atrocities) Act.

3. As per the prosecution case, the allegation against the appellants is that they forcibly entered the house of the informant, played Holi with them, and abused them by taking their caste name.

4. Learned counsel for the appellants submits that from the reading of the F.I.R., it appears that the main thrust of the allegation is regarding playing Holi, and the alleged offence does not make out any case under the provisions of the S.C./S.T. Act. 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 informant 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 he 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 rival submissions of the parties, this appeal is allowed, and accordingly, the order dated 21.05.2024 passed by the learned Court of Exclusive Special Court S.C./S.T. Act, Vaishali at Hajipur in Vaishali P.S. Case No. 121 of 2024 is 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 Court of Exclusive Special Court S.C./S.T. Act, Vaishali at Hajipur/ concerned Court below in connection with A.B.P. No. 1067 of 2024 in connection with Vaishali P.S. Case No. 121 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the B.N.S.S.

(Sandeep Kumar, J)

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