

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2921 of 2024

Arising Out of PS. Case No.-17 Year-2023 Thana- SC/ST District- Aurangabad

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1. Ram Sumer Yadav @ Ram Sumer Singh, S/o Late Kailash Yadav.
 2. Pappu Yadav @ Pappu Kumar.
 3. Babloo Yadav @ Bablu Kumar
Both sons of Ram Sumer Yadav @ Ram Sumer Singh.
All are resident of village - Bhaluari, P.S. - Indrapuri, District-
Rohtas (Bihar)
- Appellants
- Versus

1. The State of Bihar
 2. Raja Ram S/o Late Malik Chand Ram R/o vill - Kajhhawa, Post - Amilaina,
P.s.- Jamhour, Distt.- Aurangabad
- Respondents

Appearance :

For the Appellants : Mr. Dhaneshwar Prasad Gupta, Advocate
For the Respondents : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants and

learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 10.06.2024 passed by the learned Special Judge, S.C./S.T. Act-cum- Additional District & Sessions Judge, 1st Aurangabad, in connection Aurangabad S.C./S.T. P.S. Case No.17 of 2023 registered for the offence under sections 341, 323, 504, 506/34 of the Indian Penal Code and under sections 3(i)(r)(s)/3(2)(va) of the S.C./ S.T. Act.

3. As per the prosecution case, the informant is the *Sarpanch* of Amilauna Gram Panchayat. It is alleged in the



F.I.R. that the appellants approached the informant for issuing the genealogical table (*Bansawali*), upon which, the informant asked them to bring the witnesses and after enquiry, he will issue the genealogical table. However, the appellants started abusing him and thereafter they assaulted the informant by fists and slaps. It is also alleged that earlier also the appellants had pressurized and abused him for issuing Banswali.

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 a trivial dispute and not because of the fact that the informant is belonging to the SC/ST community. Therefore not even a *prima facie* case is made out and consequently, this application for anticipatory bail is maintainable. He 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 for grant of bail.

6. I have considered the submissions of the



parties and perused the materials on record.

7. From reading of the F.I.R., it appears that the occurrence has taken place on account of a trivial dispute regarding issuance of genealogical table. It does not appear that offence has been committed against the informant on the ground that he is a member of S.C./S.T. community. Further, there is not even a whisper about the caste of the informant.

8. Considering the aforesaid facts and also 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. Having considered the submissions of the parties and also considering the nature of allegation levelled against the appellants and the fact that the occurrence has taken place on account of a trivial issue, this appeal is allowed. Accordingly, the impugned order dated order dated 10.06.2024 passed by the learned Special Judge, S.C./S.T. Act-cum-Additional District & Sessions Judge, 1st Aurangabad, in connection Aurangabad S.C./S.T. P.S. Case No.17 of 2023 is hereby set aside.



10. 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 Special Judge, S.C./S.T. Act -cum- Additional District & Sessions Judge, 1st, Aurangabad / concerned Court, in connection with Aurangabad S.C./S.T. P.S. Case No.17 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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