

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2890 of 2024

Arising Out of PS. Case No.-951 Year-2023 Thana- BODHGAYA District- Gaya

Sudhanshu Kumar @ Sudhanshu Shekhar @ Sudhansh Kumar S/o Atal Singh
R/o Village Jamari PS Cherki District Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Mantosh Kumar S/o Indradeo Das R/o vill - Jamari, P.s. - Cherki, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	None.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

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

2. Despite valid service of notice, none has appeared
on behalf of the informant.

3. This appeal has been preferred against the order
dated 30.04.2024 passed by the learned Exclusive Special
Judge, S.C./S.T., Gaya in A.B.P. No. 131 of 2024, arising out of
Bodhgaya P.S. Case No. 951 of 2023, registered for the offences
under Sections 341, 323, 379, 504, 506/34 of the Indian Penal
Code and Sections 3(1)(r)(s) of the S.C./S.T. (Prevention of
Atrocities) Act.

4. As per the prosecution case, the appellant and



others are alleged to have abused the informant by taking his caste name.

5. Learned counsel for the appellant submits that the appellant has been falsely implicated in this case and that no offence under the provisions of the S.C./S.T. Act is made out. 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*.

6. Learned counsel for the informant has opposed the prayer for bail.

7. 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.

8. 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.

9. Considering the rival submissions of the parties, this appeal is allowed, and accordingly, the order dated



30.04.2024 passed by the learned Exclusive Special Judge, S.C./S.T., Gaya in A.B.P. No. 131 of 2024 arising out of Bodhgaya P.S. Case No. 951 of 2023 is set aside.

10. 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 Exclusive Special Judge, S.C./S.T., Gaya / concerned Court below in connection with Bodhgaya P.S. Case No. 951 of 2023, 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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