

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2920 of 2024

Arising Out of PS. Case No.-30 Year-2023 Thana- VAISALI COMPLAINT CASE District-
Vaishali

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SANJAY RAI @ SANJAY KUMAR SON OF PAMPALI RAI RESIDENT
OF VILLAGE - NOONPUR, P.S. - HAJIPUR SADAR, DISTRICT -
VAISHALI

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. DHANMANTI DEVI WIFE OF MAHESHWAR PASWAN RESIDENT OF
VILLAGE - SALEMPUR, P.S. - HAJIPUR SADAR, DISTRICT -
VAISHALI

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Sinha, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 3 04-11-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This appeal has been preferred against the order dated 27.04.2024 passed by the learned Exclusive Special Judge S.C./S.T. Act-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with A.B.P. No. 859 of 2024 arising out of Case No. C1-30 of 2023, registered for the offences under Sections 341, 323, 354(B), 447, 504 and 506 of the Indian Penal Code and Section 3(1)(S) of the S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellant has been



made an accused in a complaint case filed by the complainant, alleging that the appellant abused the informant and others and took away a gold chain from them.

4. Learned counsel for the appellant submits that, on a plain reading of the complaint, it appears to be a *mala fide* prosecution and that false and frivolous allegations have been levelled against the appellant with an intent to harass. It is further submitted that no offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellant. 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 Complaint, 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 27.04.2024 passed by the learned Exclusive Special Judge S.C./S.T. Act-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with A.B.P. No. 859 of 2024 arising out of Case No. C1-30 of 2023 is 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 Exclusive Special Judge, S.C./S.T., Vaishali, Hajipur/ concerned Court below in connection with A.B.P. No. 859 of 2024 arising out of Case No. C1-30 of 2023, subject to the conditions laid down under Section 438(2) of the Code of Criminal/ Section 482(2) of the B.N.S.S.

(Sandeep Kumar, J)

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