

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2672 of 2025

Arising Out of PS. Case No.-54 Year-2024 Thana- MAHESHKHUNT District- Khagaria

1. Lalan Muni Son of Late Laxmi Muni Resident of Village- Jagdev Muni Tola Bharra (Badiya), Police Station- Mahesh Khunt, District- Khagaria.
2. Hulan Muni Son of Late Mahavir Muni Resident of Village- Jagdev Muni Tola Bharra (Badiya), Police Station- Mahesh Khunt, District- Khagaria.
3. Chhotu Kumar @ Brajesh Kumar Son of Chhatis Muni Resident of Village- Jagdev Muni Tola Bharra (Badiya), Police Station- Mahesh Khunt, District- Khagaria.
4. Pappu Muni Son of Late Laxmi Muni Resident of Village- Jagdev Muni Tola Bharra (Badiya), Police Station- Mahesh Khunt, District- Khagaria.

... .. Appellant/s

Versus

1. The State of Bihar Patna
2. Babita Devi Wife of Surendra Das Resident of Village- Jagdev Muni Tola Bharra (Badiya), Police Station- Mahesh Khunt, District- Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Heera Jha Mr. Vivekanand Singh
For the Respondent/s	:	Mrs. Usha Kumari I

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 23-12-2025 Heard learned counsel for the appellants, the learned
Spl. P.P. for the State and the learned counsel for the informant.

2. This appeal is preferred against the order dated 12.06.2025 passed by the learned Additional Sessions Judge 1st cum Special Judge, SC/ST (POA)Act, Khagaria passed in ABA No. 45 of 2024 arising out of Mahesh Khunt P.S. Case No. 54 of 2024 registered for the offence under Sections 341, 323, 324, 325, 354B, 504, 506/34 of the Indian Penal Code and under



Sections 3(i)(r)(s) of the SC/ST Act, by which the prayer of the appellants for anticipatory bail was rejected.

3. As per the prosecution case, the appellants are accused of assaulting the victim and abusing by taking his caste name.

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 and therefore, this anticipatory bail application is maintainable. He further submits that for a trivial dispute, the occurrence took place.

5. Learned counsel for the State and the learned counsel for the informant have opposed the prayer of the appellants.

6. From the reading of the entire FIR, it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and the same appears to be a *mala fide* prosecution.

7. In these circumstances, in the opinion of this Court, this application for grant of anticipatory bail is maintainable.

8. Considering the rival submissions of the parties and the facts of the case, the appeal stands allowed. Accordingly, the



order dated 12.06.2025 passed by the learned Additional Sessions Judge 1st cum Special Judge, SC/ST (POA)Act, Khagaria passed in ABA No. 45 of 2024 arising out of Mahesh Khunt P.S. Case No. 54 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 concerned Court below in connection with Mahesh Khunt P.S. Case No. 54 of 2024, subject to the conditions laid down under Section 438(2) of the Cr. P.C./ Section 482(2) of the BNSS.

(Sandeep Kumar, J)

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