

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3520 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- SHEOHAR District- Sheohar

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1. DHARMENDRA MEHTAR @ DHARMENDRA KUMAR MEHTAR @ DHARMENDRA KUMAR MESTAR S/O KEWAL MEHTAR @ KEWAL MESTAR R/O VILLAGE- SHEOHAR, P.S- SHEOHAR, DISTT.- SHEOHAR.
 2. JITENDRA MEHTAR @ JITENDRA KUAMR MEHTAR @ JITENDRA KUMAR MESTAR S/O KEWAL MEHTAR @ KEWAL MESTAR R/O VILLAGE- SHEOHAR, P.S- SHEOHAR, DISTT.- SHEOHAR.
 3. UPENDRA MEHTAR @ UPENDRA KUMAR MEHTAR @ UPENDRA KUMAR MESTAR S/O KEWAL MEHTAR @ KEWAL MESTAR R/O VILLAGE- SHEOHAR, P.S- SHEOHAR, DISTT.- SHEOHAR.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. KUSHAMI DEVI W/O LATE NARESH MESTAR OF NEVATI MOCHI R/O WARD NO. 20, SHEOHAR, P.S- SHEOHAR, DISTT.- SHEOHAR.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vikash Khanna, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

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

2. This appeal has been preferred against the order dated 27.06.2024 passed by the learned Court of Additional Sessions Judge-I-cum-Special Judge, Sheohar in connection with Sheohar P.S. Case No. 118 of 2024, registered for the offences under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code and Section 3(2)(va) of the S.C./S.T. (Prevention of Atrocities) Act.



3. As per the prosecution case, the appellants and other accused persons assaulted and abused the informant and her family members by taking their caste name.

4. Learned counsel for the appellants submits that the allegations made in the F.I.R. are general and omnibus in nature, and the appellants have been falsely implicated in this case. It is further submitted that no offence under the provisions of the S.C./S.T. (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 FIR, it does not appear that the alleged offence was committed against the informant on the ground that she 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 27.06.2024 passed by the learned Court of Additional Sessions Judge-I-cum-Special Judge, Sheohar in connection with Sheohar P.S. Case No. 118 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 Additional Sessions Judge-cum-1st Special Judge, Sheohar/ concerned Court below in connection with Sheohar P.S. Case No. 118 of 2024, 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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