

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3565 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- ALOULI District- Khagaria

- 1. Parwati Devi wife of Rajiv Patel Village- Icharua w.No-9, Ps- Alauli Dist- Khagaria
- 2. Chanki Singh son of Ram Bilash Singh Village- Icharua w.No-9, Ps- Alauli Dist- Khagaria
- 3. Pakru Singh @ Karamshil Kumar son of Ram Bilash Singh Village- Icharua w.No-9, Ps- Alauli Dist- Khagaria
- 4. Vishwajit Kumar son of Ram Bilas Singh Village- Icharua w.No-9, Ps- Alauli Dist- Khagaria
- 5. Ravina Kumari D/o- Ram Bilash Singh Village- Icharua w.No-9, Ps- Alauli Dist- Khagaria
- 6. Rekha Devi wife of Rajkumar Singh Village- Icharua w.No-9, Ps- Alauli Dist- Khagaria
- 7. Sita Devi wife of Rambilash Singh Village- Icharua w.No-9, Ps- Alauli Dist- Khagaria

... .. Appellant/s

Versus

- 1. The State of Bihar Bihar
- 2. Rani Devi wife of Chandra Singh Village- Icharua Po- Amba, Ps- Alauli Dist- Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anuj Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 07-11-2025 Heard learned counsel for the appellant, learned
counsel for the Informant and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 20.06.2024 passed by the learned Additional Sessions Judge-I- Special Judge, SC/ST Act, Khagaria passed in ABA (SC/ST) No. 34 of 2024 in connection with Alauli P.S. Case No. 121 of 2024 registered for the offence under Sections 147, 341, 323, 354, 379, 504 and 506/34 of the Indian Penal Code and under Section 3(i)(r)(s)/ 3(2)(va) of SC/ST Act.

3. As per the prosecution case, the accused persons,



because of dispute over land, are said to have abused the informant by taking 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 as the main thrust of allegation is because of dispute over land and not because of prosecution side belonging to the SC/ST community, therefore the application of the anticipatory bail is maintainable. He further 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.

6. From the reading of the entire complaint, it does not appear that offence has been committed against the informant on the ground that he is a member of SC/ST community.

7. In these circumstances, considering 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.

8. Considering the rival submissions of the parties and the facts of the case, this appeal is allowed and accordingly, the order dated 20.06.2024 passed by the learned Additional Sessions Judge-I-Special Judge, SC/ST Act, Khagaria passed in ABA (SC/ST) No. 34 of 2024 in connection with Alauli P.S. Case No. 121 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 Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Khagaria/concerned Court below in connection with Alauli P.S. Case No. 121 of 2024, 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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