

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3572 of 2024

Arising Out of PS. Case No.-312 Year-2024 Thana- WAJIRGANJ District- Gaya

Tipu Sultan SON OF MD. ALIMUDDIN Resident of Mohalla- Krimganj,
P.S.- Civil Lane, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar BIHAR
2. SHASHI SHAURAV SON OF RAMESH RAJAK VILLAGE- BEUR JAIL,
PS- BEUR, PATNA, DIST- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brijmohan Das
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 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 11.07.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in A.B.P. No. 201 of 2024 in connection with Wazirganj P.S. Case No. 312 of 2024 registered for the offence under Section 341, 323, 308, 379, 504, 506/34 of the Indian Penal Code and under Section 3(i)(r)(s) of SC/ST Act.

3. As per the prosecution case, the appellant is said to have assaulted the informant and pressed his neck and has also abused him by taking his caste name.

4. Learned counsel for the appellant submits that the



appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out in this case as it appears from the FIR that there is dispute between the teachers posted in the same school and the main thrust of allegation is because of dispute between them 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/Informant has opposed the prayer of the appellant.

6. From the reading of the entire FIR, 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 11.07.2024 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya in A.B.P. No. 201 of 2024 in connection with Wazirganj P.S. Case No. 312 of 2024, is hereby 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, SC/ST Act, Gaya/concerned Court below in connection with Wazirganj P.S. Case No. 312 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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