

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3588 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- SC/ST District- Vaishali

-
1. Manoj Singh @ Manoj Kumar Singh Son of Jaddu Singh @ Yadunandan Singh Resident of Village - Jalalpur, P.S.- Lalganj, District - Vaishali.
 2. Santosh Singh @ Santosh Kumar Singh Son of Jaddu Singh @ Yadunandan Singh Resident of Village - Jalalpur, P.S.- Lalganj, District - Vaishali.
 3. Akhilesh Singh Son of Late Ramanand Singh @ Dorai Singh Resident of Village - Jalalpur, P.S.- Lalganj, District - Vaishali.
 4. Umesh Kumar @ Umesh Singh Son of Late Ramanand Singh @ Dorai Singh Resident of Village - Jalalpur, P.S.- Lalganj, District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunita Devi Daughter of Suryadev Das Resident of Village - Jalalpur, P.S.- Lalganj, District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shyameshwar Kumar Singh
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Jitendra Kumar
		Ms. Remy Kumari
		Mr. Binay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 07-11-2025 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 18.07.2024 passed by the learned Exclusive Special Judge, SC/ST Act-cum- Addl. District and Sessions Judge, Vaishali at Hajipur passed in ABP No. 1725 of 2024 arising out of Hajipur SC/ST P.S. Case No. 20 of 2024 registered for the offence under Sections 341, 323, 379, 354, 504, 506/34 of the Indian Penal



Code and under Sections 3(i)(r), 3(i)(s), 3(i)(w)(i), 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, the appellants are said to have assaulted both sons of the informant and when Shanti Devi and Soni Kumari came to rescue, appellants also assaulted them and snatched golden locket.

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 the application of the anticipatory bail is maintainable. He further submits that the allegation against the appellants is general and omnibus and there is no direct or specific allegation against the appellants. 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 and the learned counsel for the informant have vehemently 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 he is a member of SC/ST community and the same appears to be a *mala fide* prosecution.

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 stands allowed. Accordingly, the order dated 18.07.2024 passed by the learned Exclusive Special Judge, SC/ST Act-cum- Addl. District and Sessions Judge, Vaishali at Hajipur passed in ABP No. 1725 of 2024 arising out of Hajipur SC/ST P.S. Case No. 20 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 Exclusive Special Judge, SC/ST Act-cum- Addl. District and Sessions Judge, Vaishali at Hajipur/concerned Court below in connection with Hajipur SC/ST P.S. Case No. 20 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)

Shishir/-

U		T	
---	--	---	--

