

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3551 of 2024

Arising Out of PS. Case No.-50 Year-2024 Thana- GURARU District- Gaya

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1. Pankaj Mahto @ Pankaj Kumar S/o Chandra Mahto @ Ramchandra Mahto R/o vill - Ghatera, P.S - Guraru, Distt. - Gaya
 2. Rauhan Kumar @ Raushni Kumar @ Raushani Kumar S/o Akhilesh Prasad R/o vill - Ghatera, P.S - Guraru, Distt. - Gaya
 3. Manoj Kushwaha @ Manoj Prasad @ Manoj Prasad Verma S/o Late Ramdip Mahto R/o vill - Ghatera, P.S - Guraru, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Abhishek Paswan S/o Late Anil Paswan R/o vill - Ghatera, P.S - Guraru, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinod Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Prthivi Raj Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

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

2. This appeal has been preferred against the order dated 10.07.2024 passed by the learned Exclusive Special Judge, S.C./S.T., Gaya in connection with A.B.P. No. 210 of 2024 arising out of Guraru P.S. Case No. 50 of 2024, registered for the offences under Sections 147, 149, 323, 307, 427, 504 and 506 of the Indian Penal Code and Section 3(i)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act.



3. As per the prosecution case, the allegation against the appellants is that they assaulted and abused the informant by taking their caste name, and a counter case has also been registered.

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 he 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 10.07.2024 passed by the learned Exclusive Special Judge, S.C./S.T., Gaya in connection with A.B.P. No. 210 of 2024 arising out of Guraru P.S. Case No. 50 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 Exclusive Special Judge, S.C./S.T., Gaya/ concerned Court below in connection with Guraru P.S. Case No. 50 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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