

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3583 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- SC/ST District- Madhubani

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1. Ram Sarover Chaudhary Son Of Late Hari Chaudhary Village- Naokarhi, Anchal Benipatti, Dist- Madhubani
 2. Shail Devi Wife Of Ram Sarover Chaudhary Village- Naokarhi, Anchal Benipatti, Dist- Madhubani

... .. Appellant/s

Versus

1. The State Of Bihar
2. Beby Kumari Daughter Of Prabhu Paswan Village And Post- Saurath, Ps- Rahika, Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shashank Shekhar
For the Respondent/s	:	Mr. Binay Krishna
		Mr. Ravi Prakash
		Mr. Gagan Deo Yadav
		Mr. Rajesh Kumar

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 10.07.2024 passed by the learned Addl. Sessions Judge-I-cum-Special Judge, SC/ST Act, Madhubani passed in ABP No. 1260 of 2024 arising out of Madhubani SC/ST P.S. Case No. 30 of 2024 registered for the offence under Sections 341, 323, 504, 506, 354, 495, 477, 34, 354(c) of the Indian Penal Code and under Sections 3(i)(r), 3(i)(s), 3(1)(w)(i), 3(2)(va) of the SC/ST Act.

3. As per the prosecution case, co-accused Rajesh Kumar Choudhary took signature of the informant on marriage



paper and when the informant opposed the same, he was abused by her caste name and the co-accused also took her academic certificates and mobile phones.

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 there is a dispute over marriage. 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 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 she 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 10.07.2024 passed by the learned Addl. Sessions Judge-I-cum-Special Judge, SC/ST Act, Madhubani passed in ABP No. 1260 of 2024 arising out of Madhubani SC/ST P.S. Case No. 30 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 Addl. Sessions Judge-I-cum-Special Judge, SC/ST Act, Madhubani/concerned Court below in connection with Madhubani SC/ST P.S. Case No. 30 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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