

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3545 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Arun Chaudhary son of Late Chamru Chaudhary Village- Tilleshwar Ps-
Kusheshwar Asthan Dist- Darbhanga
 2. Bindu Chaudhary son of Late Chamru Chaudhary Village- Tilleshwar Ps-
Kusheshwar Asthan Dist- Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Dilkush Kumar son of Vijal Paswan Village- Tilleshwar Ps- Tilleshwar OP,
Dist- Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 04-11-2025 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. This appeal has been preferred against the order dated 01.07.2024 passed by the learned Exclusive Judge, S.C./S.T. (POA) Act, Darbhanga in connection with A.B.P. No. 18 of 2024 arising out of Kusheshwar Asthan P.S. Case No. 29 of 2024, registered for the offences under Sections 143, 341, 323, 324, 326, 307 and 506 of the Indian Penal Code and Sections 3(i)(r), 3(2)(v-a) and 3(v) of the S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, a trivial dispute over



the price of sweets led to the occurrence, during which the appellants are alleged to have abused the informant by taking his caste name.

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 01.07.2024 passed by the learned Exclusive Judge, S.C./S.T. (POA) Act, Darbhanga in connection with A.B.P. No. 18 of 2024 arising out of Kusheshwar Asthan P.S. Case No. 29 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 Judge, S.C./S.T. (POA) Act, Darbhanga/ concerned Court below in connection with Kusheshwar Asthan P.S. Case No. 29 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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