

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3548 of 2024

Arising Out of PS. Case No.-185 Year-2024 Thana- MAHUA District- Vaishali

ROHIT KUMAR S/O SANJAY PATEL R/O VILLAGE- CHHITROULI, P.S-
MAHUA, DISTT.- VAISHALI.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. NITISH KUMAR S/O GOVIND RAM R/O VILLAGE-
PARMANANDPUR BUJURAG, P.S- MAHUA, DISTT.- VAISHALI.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimal Kumar Jha, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 04-11-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

2. This appeal has been preferred against the order dated 06.07.2024 passed by the learned Exclusive Special Court (S.C./S.T.) Act, Vaishali, Hajipur in connection with A.B.P. No. 1665 of 2024 arising out of S.C./S.T. Mahua P.S. Case No. 185 of 2024, registered for the offences under Sections 341, 323, 325, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)w), 3(I)(s) and 3(I)(w)(r) of the S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, the appellant and others are alleged to have assaulted the informant after abusing him, causing injuries which do not appear to be grievous in



nature. The appellant is not the author of the injury, and there is no allegation against him of abusing the informant by taking his caste name.

4. Learned counsel for the appellant submits that the allegations made in the F.I.R. are general and omnibus in nature, and the appellant has 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 06.07.2024 passed by the learned Exclusive Special Court (S.C./S.T.) Act, Vaishali, Hajipur in connection with A.B.P. No. 1665 of 2024 arising out of S.C./S.T. Mahua P.S. Case No. 185 of 2024 is 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 S.C./S.T. Act-cum-Additional Sessions Judge, Vaishali at Hajipur/ concerned Court below in connection with A.B.P. No. 1665 of 2024 arising out of Mahua P.S. Case No. 185 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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