

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3561 of 2024

Arising Out of PS. Case No.-127 Year-2023 Thana- KALYANPUR District- East Champaran

1. GUDDU RAUT SON OF LALU RAUT RESIDENT OF VILLAGE - NARAYANPUL, P.S. - KALYANPUR, DISTRICT - EAST CHAMPARAN
2. ANANT RAUT SON OF GANESH RAUT RESIDENT OF VILLAGE - NARAYANPUL, P.S. - KALYANPUR, DISTRICT - EAST CHAMPARAN
3. GANESH RAUT SON OF LATE UTTIM RAUT RESIDENT OF VILLAGE - NARAYANPUL, P.S. - KALYANPUR, DISTRICT - EAST CHAMPARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. WAKIL RAM SON OF RAM SUNDAR RAM RESIDENT OF VILLAGE - KAMAL PAKARI, P.S. - KALYANPUR, DISTRICT - EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abhishek Kumar Mr. Hemant Ray
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 07-11-2025 Heard learned counsel for the appellant, learned
Spl. P.P. for the State.

2. This appeal is preferred against the order dated 23.11.2023 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari in ABP No. 4814 of 2023 arising out of Kalyanpur P.S. Case No. 127 of 2023 registered for the offence under Section 341, 323, 379, 504, 506/34 of the Indian Penal Code and under Section 3(i)(r)(s) of SC/ST Act.

3. As per the prosecution case, the appellants are said



to have abused and threatened the informant by taking caste name.

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 the main allegation is against one Upendra Chaudhary and therefore the application of the anticipatory bail is maintainable. 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 has opposed the prayer of the appellants.

6. From the reading of the entire complaint, it does not appear that offence has been committed against the informant on the ground that he is a member of SC/ST community.

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 is allowed and accordingly, the order dated 23.11.2023 passed by the learned Special Judge, SC/ST (POA) Act, East Champaran at Motihari in ABP No. 4814 of 2023 arising out of Kalyanpur P.S. Case No. 127 of 2023 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 Special Judge, SC/ST (POA) Act, East Champaran/concerned Court below in connection with Kalyanpur P.S. Case No. 127 of 2023, 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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