

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3644 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- RUPAULI District- Purnia

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1. Malo Harijan @ Maloh Harijan Son Of Vilat Harijan Resident Of Village - Dobha Nagrah Basa, Ward No. 14, P.S. - Rupouli, District - Purnea
 2. Jahim Baitha Son Of Alauddin Baitha @ Alauddin Resident Of Village - Dobha Nagrah Basa, Ward No. 14, P.S. - Rupouli, District - Purnea
 3. Badal Kumar @ Badal Harijan Son Of Krityanand Harijan @ Kirat Harijan Resident Of Village - Dobha Nagrah Basa, Ward No. 14, P.S. - Rupouli, District - Purnea
 4. Mogal Sah Son Of Ram Bilash Sah Resident Of Village - Dobha Nagrah Basa, Ward No. 14, P.S. - Rupouli, District - Purnea

... .. Appellant/s

Versus

1. The State Of Bihar
2. Manoj Harijan Son Of Bhumeswar Harijan Resident Of Village - Dobha Nagrah Basa, Ward No. 14, P.S. - Rupouli, District - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bijendra Kumar Singh
For the Respondent/s	:	Mr. Sadanand Paswan
For the Informant	:	Mr. Arvind Kumar
		Mr. Nishant Kumar Sinha
		Mr. Tarun Kumar Shekhar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 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 04.05.2024 passed by the learned Special Judge, SC/ST (POA) Act, Purnea passed in ABP No. 17 of 2024 arising out of Rupouli @ Rupauli P.S. Case No. 280 of 2023 registered for the offence under Sections 341, 323, 324, 379, 506/34 of the Indian Penal Code and under Sections 3(i)(r)/ 3(i)(s) of the SC/ST Act.



3. As per the prosecution case, the appellants are accused of assaulting the informant.

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 for a trivial dispute, the occurrence took place. 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 he 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 04.05.2024 passed by the learned Special Judge, SC/ST (POA) Act, Purnea passed in ABP No. 17 of 2024 arising out of Rupouli P.S. Case No. 280 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, Purnea /concerned Court below in connection with Rupouli @ Rupauli P.S. Case No. 280 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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