

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3625 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- PIPRA District- East Champaran

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1. Lakhindra Bhagat S/o- Bhola Bhagat Village- Bishunpura Ps- Pipra Dist- East Champaran
 2. Rustam Kumar son of Jitlal Bhagat Village- Bishunpura Ps- Pipra Dist- East Champaran
 3. Nitesh Kumar @ Kunal Ranjan son of Binda Bhagat Village- Bishunpura Ps- Pipra Dist- East Champaran
 4. Jogi Bhagat @ Jogendra Bhagat son of Bhola Bhagat Village- Bishunpura Ps- Pipra Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Jaleshwer Paswan son of Late Jaddu Paswan Village- Hernarayana Ps- Pipra Dist-East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nafisuzzoha, Advocate Mr. Balgovind Sharma
For the Respondent/s	:	Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants and the learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 20.06.2024 passed by the learned Special Judge, SC/ST Act, East Champaran, Motihari passed in ABP No. 2476 of 2024 arising out of Pipra P.S. Case No. 88 of 2024 registered for the offence under Sections 341, 342, 324, 307, 353, 323, 504, 506/34 of the Indian Penal Code and under Sections 3(i)(r), 3(i)(s) and 3(2)(va) of the SC/ST Act.



3. As per the prosecution case, the appellants are accused of assaulting the informant with knife and abusing him by taking his 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 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 has 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, the appeal stands allowed. Accordingly, the order dated 20.06.2024 passed by the learned Special Judge, SC/ST Act, East Champaran, Motihari passed in ABP No. 2476 of 2024 arising out of Pipra P.S. Case No. 88 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 Special Judge, SC/ST Act, East Champaran, Motihari/concerned Court below in connection with Pipra P.S. Case No. 88 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

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(Sandeep Kumar, J)

