

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3729 of 2024

Arising Out of PS. Case No.-46 Year-2015 Thana- SC/ST District- Gopalganj

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1. Devpati Devi Wife of Nagu Sah village- Usari, Ps- Baikunthpur, Dist-Gopalganj
 2. Mala Kumari Daughater of Nagu sah village- Usari, Ps- Baikunthpur, Dist-Gopalganj
 3. Sanajay sah son of Nagu sah village- Usari, Ps- Baikunthpur, Dist-Gopalganj
 4. Chhathu sah son of Bhadai sah village- Usari, Ps- Baikunthpur, Dist-Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Sushila Devi Wife of Radha Ram village- Usari, Ps- Baikunthpur, Dist-Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dharmveer Jha
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 07-11-2025 Heard learned counsel for the appellants, learned
Spl. P.P. for the State and counsel for the Informant.

2. This appeal is preferred against the order dated 06.06.2024 passed by the learned Addl. Sessions Judge-XI-cum-Exclusive Spl. Judge (SC/ST, Act) Gopalganj passed in ABP No. 1224 of 2024, in connection with Gopalganj SC/ST P.S. Case No. 46 of 2015, registered under Sections 341, 323, 448, 354,(A), 379, 427, 511, 504 and 506/34 of the Indian Penal Code and under Section 3(i)(x) of the S.C./ S.T. Act.



3. As per the prosecution case, the allegation against the appellants is that they have assaulted the informant and her family members and also threatened them by 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 as the main thrust of allegation is because of a trivial dispute and not because of prosecution side belonging to the SC/ST community, therefore not even a prima facie case is made out and consequently, this application for anticipatory bail is maintainable. He 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 informant have opposed the prayer of the appellants for grant of bail.

6. I have considered the submissions of the parties and perused the materials on record.

7. From reading of the F.I.R., it appears that the



occurrence has taken place on account of pending civil dispute between the parties and it does not appear that offence has been committed against the informant on the ground that he is a member of S.C./S.T. community.

8. Considering the aforesaid facts and also 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.

9. Having considered the submissions of the parties and also considering the facts of the case, this appeal is allowed. Accordingly, the order dated 06.06.2024 passed by the learned Addl. Sessions Judge-XI-cum-Exclusive Spl. Judge (SC/ST, Act) Gopalganj passed in ABP No. 1224 of 2024, in connection with Gopalganj SC/ST P.S. Case No. 46 of 2015 is hereby set aside.

10. 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 Addl. Sessions Judge-XI-cum-Exclusive Spl.



Judge (SC/ST, Act) Gopalganj in connection with Gopalganj
SC/ST P.S. Case No. 46 of 2015, 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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