

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3716 of 2024

Arising Out of PS. Case No.-14 Year-2016 Thana- SC/ST District- Buxar

-
1. Hriday Narayan Dubey son of Late Bhrigunath Dubey Village- Pawani Ps- Buxar Muffasil Dist- Buxar
 2. Maya Dubey son of Late Bhrigunath Dubey Village- Pawani Ps- Buxar Muffasil Dist- Buxar
 3. Daya Shankar Dubey @ Daya Dubey son of Late Bhrigunath Dubey Village- Pawani Ps- Buxar Muffasil Dist- Buxar
 4. Nityanand Dubey son of Hriday Narayan Dubey Village- Pawani Ps- Buxar Muffasil Dist- Buxar
 5. Vidya Bhushan Dubey son of Maya Dubey Village- Pawani Ps- Buxar Muffasil Dist- Buxar
 6. Manindra Nath Dubey @ Manindra Mohan Dubey son of Hriday Narayan Dubey Village- Pawani Ps- Buxar Muffasil Dist- Buxar

... .. Appellant/s

Versus

1. The State of Bihar
2. Manoj Kumar son of Shivbhaju Ram Village- Pawani Po- Chunni Ps- Buxar Muffasil Dist- Buxar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Shankar Pathak, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Manish Rai Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. This appeal has been preferred against the order dated 23.07.2024 passed by the learned A.D.J.-1st-cum-Special Judge, S.C./S.T. (POA) Act, Buxar in connection with A.B.P. No. 923 of 2024 arising out of S.C./S.T. P.S. Case No. 14 of 2016, registered for the offences under Sections 341, 323, 506 and 34 of the Indian Penal Code and Section 3(i)(f)(g)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act.



3. As per the prosecution case, the allegation is that when the informant was reconstructing his hut, the appellants objected over the land ownership, abused and assaulted the informant and his family members by taking their caste name, and also threatened them with dire consequences.

4. Learned counsel for the appellants submits that the allegations made in the F.I.R. are general and omnibus in nature, and the appellants have 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 appellants. 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 23.07.2024 passed by the learned A.D.J.-1st-cum-Special Judge, S.C./S.T. (POA) Act, Buxar in connection with A.B.P. No. 923 of 2024 arising out of S.C./S.T. P.S. Case No. 14 of 2016 is 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 A.D.J.-1st-Cum-Special Judge, S.C./S.T. (POA) Act, Buxar/ concerned Court below in connection with A.B.P. No. 923 of 2024 arising out of S.C./S.T. P.S. Case No. 14 of 2016, 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)

Neha/-

U		T	
---	--	---	--

