

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3717 of 2024

Arising Out of PS. Case No.-19 Year-2024 Thana- SC/ST District- Khagaria

Jyotish Mishra @ Jyoti Mishra son of Ramanand Jha Vill- Ladaura, P.S-
Alauli, District- Khagaria

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjeev Paswan son of Late Sitaram Paswan village- Bihat, Ps- Barauni,
Dist- Begusarai at p/a- Junior Engineer, Road construction Dept. Road
Division Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vikramadit Mr., Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Harshvardhan, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 07-11-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant.

2. This appeal has been preferred against the order dated 31.07.2024 passed by the learned Court of Additional Sessions Judge-1st-cum-Special Court, S.C./S.T., Khagaria in connection with A.B.P. No. 47 of 2024 arising out of Khagaria (S.C./S.T.) P.S. Case No. 19 of 2024, registered for the offences under Sections 341, 448, 427, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, the occurrence is said



to have taken place over a trivial dispute.

4. Learned counsel for the appellant submits that the allegations made in the F.I.R. are general and omnibus in nature, and the appellant has 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 appellant. 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 31.07.2024 passed by the learned Court of Additional Sessions Judge-1st-cum-Special Court, S.C./S.T., Khagaria in connection with A.B.P. No. 47 of 2024 arising out of Khagaria (S.C./S.T.) P.S. Case No. 19 of 2024 is set aside.

9. Let the appellant, in the event of his 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 Court of Additional Sessions Judge-1st-cum-Special Court, S.C./S.T., Khagaria/ concerned Court below in connection with Khagaria (S.C./S.T.) P.S. Case No. 19 of 2024, 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)

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