

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3754 of 2024

Arising Out of PS. Case No.-225 Year-2024 Thana- GHORASAHAN District- East
Champaran

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1. Sikindra Rai Son of Late Bishnu Rai R/O Vill.- Bankatwa, P.S.- Jitna, Dist.- East Champaran
 2. Guddu Rai Son of Lalan Rai R/O Vill.- Bankatwa, P.S.- Jitna, Dist.- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar.
2. Gopichand Ram Son of Late Lankeshwar Ram R/O Vill.- Bankatwa, P.S.- Jitna, Dist.- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Shankar Shrivastava, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 07-11-2025 Heard learned counsel for the appellants, learned Spl.
P.P. for the State.

2.This appeal is preferred against the order dated 05.07.2024 passed by the learned Special Judge, (SC/ST, Act) East Champaran, Motihari passed in ABP No. 2624 of 2024, in connection with Ghorasahan (Jitna) P.S. Case No. 225 of 2024, registered under Sections 341 & 323/34 of the Indian Penal Code and under Section 3(i)(r)(s) 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 his other 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 plucking of mango 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 05.07.2024 passed by the learned Special Judge, (SC/ST, Act) East Champaran, Motihari passed in ABP No. 2624 of 2024, in connection with Ghorasahan (Jitna) P.S. Case No. 225 of 2024, 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 Special Judge (SC/ST, Act), East Champaran, Motihari, in connection with Ghorasahan (Jitna) P.S. Case No. 225 of 2024, 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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