

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3804 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- ATRI District- Gaya

Sunil Kumar So fo Munarik Mahto @ Mundrika Mahto R/V- Village-
Chiraiyantar, P.S.- Atri, Distt.- Gaya

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Kajal Kumari Wife of Balmiki Paswan, D/O- Bhikhari Paswan R/V- Village-
Chiraiyantar, P.S.- Atri, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinod Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 11-11-2025 Heard learned counsel for the appellant, learned
counsel for the Informant and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated 15.07.2024 passed by the learned Spl. Judge, SC/ST Act, Gaya in A.B.P. No. 222 of 2024 arising out of Atri P.S. Case No. 167 of 2024 registered for the offence under Sections 341, 323, 504 of the Indian Penal Code and under Section 3(i)(r)(s)/3(2)(v-a) of the SC/ST Act by which the prayer of the petitioner for grant of anticipatory bail has been rejected.

3. As per the prosecution case, the appellant is alleged to have come to the house of the informant and is alleged to have abused and assaulted the informant.



4. Learned counsel for the appellant submits that the appellant has 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 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 learned counsel for the informant have opposed the prayer of the appellant.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that she is a member of SC/ST community and primarily, it appears that the occurrence has taken place because the appellant was in a drunken state.

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 facts of the case and the rival



submissions of the parties, this appeal is allowed and accordingly, the order dated 15.07.2024 passed by the learned Spl. Judge, SC/ST Act, Gaya in A.B.P. No. 222 of 2024 arising out of Atri P.S. Case No. 167 of 2024, is hereby 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 Spl. Judge, SC/ST Act, Gaya/concerned Court below in connection with Atri P.S. Case No. 167 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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