

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4008 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- DESARI District- Vaishali

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1. Harindra Ray @ Harendra Ray S/o- Ram Ekbal Ray Resident Of Village- Nayagaon Sonar Toli, Ps-Desari, Dist- Vaishali
 2. Jitendra Ray son of Ram Ekbal Ray Resident Of Village- Nayagaon Sonar Toli, Ps-Desari, Dist- Vaishali
 3. Jay Prakash Ray @ Jai Prakash Kumar son of Jitendra Ray Resident Of Village- Nayagaon Sonar Toli, Ps-Desari, Dist- Vaishali
 4. Bittu Kumar son of Harindra Ray Resident Of Village- Nayagaon Sonar Toli, Ps-Desari, Dist- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Ranju Devi Wife of Shambhu Das Resident Of Village- Nayagaon Sonar Toli, Ps-Desari, Dist- Vaishali

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shivjee Singh
For the Respondent/s	:	Mr. Sadanand Paswan
		Mr. Kumar Rakesh Chandra

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellants, the learned
Spl. P.P. for the State and the learned counsel for the informant.

2. This appeal is preferred against the order dated 18.07.2024 passed by the learned Exclusive Special Judge, SC/ST Act-cum-Addl. District and Sessions Judge, Vaishali at Hajipur passed in ABP No. 1744 of 2024 arising out of Desari P.S. Case No. 78 of 2024 registered for the offence under Sections 341, 323, 354, 504, 506/34 of the Indian Penal Code and under Sections 3(i)(r), 3(i)(s) of the SC/ST Act, by which the prayer of the appellants for anticipatory bail was rejected.

3. As per the prosecution case, the appellants are



accused of assaulting the informant and his family members and abusing her by taking caste name. The occurrence took place because of pending land dispute.

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 and therefore, this anticipatory bail application is maintainable. He further submits that the informant belongs to Tanti (Tatwa) caste which does not come under the Scheduled Caste which is apparent from the judgment of the Hon'ble Supreme Court passed in the case of ***Dr. Bhim Rao Ambedkar Vichar Manch Bihar vs. The State of Bihar & Ors***, reported as ***2024 SCC OnLine SC 1716***. He further submits that because of land dispute, this false case has been filed only to harass the appellants.

5. Learned counsel for the State and the learned counsel for the informant have opposed the prayer of the appellants. The learned counsel for the informant has submitted that the informant belongs to the Tanti (Tatwa) caste but the date of occurrence is 02.03.2025 is before the delivery of the aforesaid judgment.

6. Once the judgment of the Hon'ble Supreme Court



has come that Tanti (Tatwa) caste doesn't fall under the category of Scheduled Caste, this application for grant of anticipatory bail is maintainable.

7. Considering the rival submissions of the parties and the aforesaid facts of the case, the appeal stands allowed. Accordingly, the order dated 18.07.2024 passed by the learned Exclusive Special Judge, SC/ST Act-cum-Addl. District and Sessions Judge, Vaishali at Hajipur passed in ABP No. 1744 of 2024 arising out of Desari P.S. Case No. 78 of 2024 is hereby 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 Exclusive Special Judge, SC/ST Act-cum-Addl. District and Sessions Judge, Vaishali at Hajipur/concerned Court below in connection with Desari P.S. Case No. 78 of 2024 , subject to the conditions laid down under Section 438(2) of the Cr. P.C./ Section 482(2) of the BNSS.

(Sandeep Kumar, J)

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