

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3985 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- RISIYAP District- Aurangabad

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1. Dinesh Gupta @ Dinesh Prasad Gupta Son of Jamuna Saw Resident of Village - Sundarganj, P.S. - Risiup, District - Aurangabad
 2. Umesh Gupta @ Umesh Kumar Gupta Son of Jamuna Saw Resident of Village - Sundarganj, P.S. - Risiup, District - Aurangabad
 3. Mahesh Gupta @ Mahesh Prasad Gupta @ Mahesh Kumar Gupta Son of Jamuna Saw Resident of Village - Sundarganj, P.S. - Risiup, District - Aurangabad
 4. Rajesh Gupta @ Rajesh Kumar Gupta Son of Jamuna Saw Resident of Village - Sundarganj, P.S. - Risiup, District - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Usha Devi Wife of Umesh Chaudhary Resident of Village - Sundarganj, P.S. - Risiup, District - Aurangabad

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 12-11-2025 Heard learned counsel for the appellants and the learned Spl. P.P. for the State. None has appeared on behalf of the informant despite valid service of notice.

2. This appeal is preferred against the order dated 03.08.2024 passed by the learned Special Judge, SC/ST-cum- 1st Additional District and Sessions Judge, Aurangabad passed in ABP No. 1642 of 2024 arising out of Risiyap @ Risiup P.S. Case No. 95 of 2024 registered for the offence under Sections 126(2), 115(2), 352, 74, 303(2) and 3(5) of the Bharatiya Nyaya



Sanhita, 2023 and Sections 3(i)(r), 3(i)(s) and 3(2)(va) 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 victims and abusing the informant by taking her 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 and therefore, this anticipatory bail application is maintainable. He further submits that the appellants and the informant are neighbours and the present false case has been filed due to previous dispute after the delay of five days.

5. Learned counsel for the State has opposed the prayer of the appellants.

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 the same appears to be a *mala fide* prosecution.

7. In these circumstances, in the opinion of this Court, this application for grant of anticipatory bail is maintainable.

8. Considering the rival submissions of the parties and



the facts of the case, the appeal stands allowed. Accordingly, the dated 03.08.2024 passed by the learned Special Judge, SC/ST-cum- 1st Additional District and Sessions Judge, Aurangabad passed in ABP No. 1642 of 2024 arising out of Risiyap @ Risiup P.S. Case No. 95 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 Special Judge, SC/ST-cum- 1st Additional District and Sessions Judge, Aurangabad/concerned Court below in connection with Risiyap @ Risiup P.S. Case No. 95 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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