

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4099 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- SC/ST District- Purnia

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1. Shiv Kumar @ Shibu Pandit S/o Subodh Pandit R/o Village- Harda Bazar, ward No 02, PS- K Hat Maranga, Distt- Purnea
 2. Geeta Devi W/o Subodh Pandit R/o Village- Harda Bazar, ward No 02, PS- K Hat Maranga, Distt- Purnea
 3. Sujit Pandit @ Sujit Kumar Pandit S/o Pramod Pandit R/o Village- Harda Bazar, ward No 02, PS- K Hat Maranga, Distt- Purnea

... .. Appellant/s

Versus

1. The State of Bihar
2. Kari Devi W/o Ram Khelawan Rishi R/o vill - Bahadurpur, ward no. 8, P.s. - K. Hat (Maranga), Distt. - Purnea

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bijendra Kumar Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Ajeet Kumar Bhardwaj, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. This appeal has been preferred against the order dated 03.07.2024, passed by the learned Special Judge, S.C./S.T. Act, Purnea, in connection with A.B.P. No. 69 of 2024 arising out of S.C./S.T. P.S. Case No. 02 of 2024, registered for the offences under Sections 341, 323, 325, 307, 354(B), 294, 326, 379, 384, 387, 382 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(v) of the S.C./S.T. (Prevention of



Atrocities) Act, by which the prayer for anticipatory bail of the appellants was rejected.

3. As per the prosecution case, the allegation against the appellants and other accused persons is that they assaulted the victim and abused him by taking his caste name.

4. Learned counsel for the appellants submits that due to the alleged mobile theft committed by the informant's son, a false case has been instituted as a counterblast to the theft case. It is further contended that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellants, and hence, the application for anticipatory bail is maintainable.

5. Learned counsel for the informant has vehemently opposed the prayer for anticipatory bail.

6. From a perusal of the F.I.R., it does not appear that the alleged occurrence was committed against the informant on the ground that he belongs to the S.C./S.T. community.

7. Considering the rival submissions of the parties and upon perusal of the record, this appeal is allowed, and accordingly, the order dated 03.07.2024, passed by the learned Special Judge, S.C./S.T. Act, Purnea, in connection with A.B.P. No. 69 of 2024 arising out of S.C./S.T. P.S. Case No. 02 of



2024, is set aside.

8. 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, S.C./S.T. Act, Purnea / concerned Court below, in connection with A.B.P. No. 69 of 2024 / C.I.S. No. 69 of 2024 arising out of S.C./S.T. P.S. Case No. 02 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.).

(Sandeep Kumar, J)

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