

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4032 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- PATAHI District- East Champaran

1. Shiv Shankar Singh Son of Raj Narain R/O Vill.- Parsouni Kapur, P.S.- Patahi, Dist.- East Champaran.
2. Vicky Kumar Son of Shiv Shankar Singh R/O Vill.- Parsouni Kapur, P.S.- Patahi, Dist.- East Champaran.
3. Pravesh Kumar @ Ram Pravesh Sahani Son of Kailash Sahani R/O Vill.- Bokane Kala, P.S.- Patahi, Dist.- East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Devraj Paswan Son of Bigu Paswan R/O Sugauli, P.S.- Sikarpur, Dist.- West Champaran, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prince Kumar Mishra
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellants and the learned Spl. P.P. for the State. None appeared on behalf of the informant despite valid service of notice.

2. This appeal is preferred against the order dated 10.07.2024 passed by the learned Special Judge, SC/ST (PoA) Act, East Champaran, Motihari passed in ABP No. 2967 of 2024 arising out of Patahi P.S. Case No. 112 of 2024 registered for the offence under Sections 302, 201 & 34 of the Indian Penal Code and under Section 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 participating in the killing the deceased.

4. Learned counsel for the appellants submits that the appellants have falsely been implicated in this case and there is no specific allegation against the appellants for abusing the informant by using caste name therefore, no offence under the provisions of SC/ST Act is made out in this case. He further submits that though there is an allegation against the appellants of participating in the killing the deceased but they are not named in the FIR. During the investigation, it has come that the deceased died because of electrocution.

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

6. From the reading of the entire FIR, no offence under the SC/ST Act is made out against the appellants 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 order dated 10.07.2024 passed by the learned Special Judge, SC/ST (PoA) Act, East Champaran, Motihari passed in ABP No.



2967 of 2024 arising out of Patahi P.S. Case No. 112 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 (PoA)Act, East Champaran, Motihari/concerned Court below in connection with Patahi P.S. Case No. 112 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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