

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4057 of 2024

Arising Out of PS. Case No.-363 Year-2024 Thana- MASHRAK District- Saran

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1. RAHUL KUMAR S/O KAMALDEO PANDIT R/O VILL- ARNA MUSLIM TOLA, PS-MASHRAKH, DIST-SARAN
 2. Sham Bahadur Pandit @ Shyam Bahadur Pandit S/o Late Lachhan Pandit @ Ramlakhan Pandit R/O VILL- ARNA MUSLIM TOLA, PS-MASHRAKH, DIST-SARAN
 3. Bijay Pandit @ Bijay Kumar Pandit S/o Late Lachhan Pandit @ Ramlakhan Pandit R/O VILL- ARNA MUSLIM TOLA, PS-MASHRAKH, DIST-SARAN
 4. Manoj Pandit @ Manoj Kumar Pandit @ Manoj Kumar S/o Late Bipin Pandit @ Bipin Bihari Pandit R/O VILL- ARNA MUSLIM TOLA, PS-MASHRAKH, DIST-SARAN
 5. Kamaldeo Pandit @ Kamaldeo Pra. S/o Late Sunar Pandit @ Ramsunder Pandit R/O VILL- ARNA MUSLIM TOLA, PS-MASHRAKH, DIST-SARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. Punam Devi W/o Satosh Manjhi R/o vill - Arna, P.S. - Mashrakh, Distt. - Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md Anis Akhtar, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Nalin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 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 06.08.2024 passed by the learned Exclusive Special Judge, S.C./S.T. Act, Chapra, Saran in connection with A.B.P.



No. 2550 of 2024, arising out of Mashrakh P.S. Case No. 363 of 2024, registered for the offences under Sections 341, 323, 504, and 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w) and 3(2)(va) 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, due to a civil dispute, the appellants are said to have abused the informant by taking her caste name.

4. Learned counsel for the appellants submits that there is a counter case arising out of the same occurrence, and subsequently, three more cases have been filed by the informant's side. It is submitted that the appellants have been falsely implicated in the present 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 she belongs to the S.C./S.T. community. Rather,



it appears that due to a land dispute, a mala fide prosecution has been instituted.

7. Considering the rival submissions of the parties and on perusal of the records, this appeal is allowed, and accordingly, the order dated 06.08.2024 passed by the learned Exclusive Special Judge, S.C./S.T. Act, Chapra, Saran in connection with A.B.P. No. 2550 of 2024 arising out of Mashrakh P.S. Case No. 363 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 Exclusive Special Judge, S.C./S.T. Act, Chapra, Saran / concerned Court below, in connection with A.B.P. No. 2550 of 2024 arising out of Mashrakh P.S. Case No. 363 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the B.N.S.S.

(Sandeep Kumar, J)

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