

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4045 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- KHAIRA District- Saran

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1. Awadh Bihari Singh Son of Late Kailash Singh Resident of Village- Dumari, P.S.- Khaira, Distt.- Saran
 2. Abhishek Kumar @ Abhishek Kumar Singh Son of Awadh Bihari Singh Resident of Village- Dumari, P.S.- Khaira, Distt.- Saran
 3. Lakshami Devi Wife of Awadh Bihari Singh Resident of Village- Dumari, P.S.- Khaira, Distt.- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Shashikant Ram Son of Hareram Harijan Resident of Village- Gopalpur, P.S.- Khaira, Distt.- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shekhar Harshvardhan, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP
		Mr. Krishna Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 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 05.08.2024 passed by the learned Special Judge, SC/ST (POA)Act, Saran at Chapra passed in ABP No. 2671 of 2024 arising out of Khaira P.S. Case No. 12 of 2024 registered for the offence under Sections 341, 323, 379, 504/34 of the Indian Penal Code and under Sections 3(i)(r), 3(i)(s), 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 said to have assaulted the informant, abused him by taking his caste and also looted Rs. 20,000/- from his pocket.

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 allegation against the appellants is of assault and loot of money which seems improbable. The entire family including the women have been made accused in the case.

5. Learned counsel for the State and the learned counsel for the informant have 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 he 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



order dated 05.08.2024 passed by the learned Special Judge, SC/ST (POA)Act, Saran at Chapra passed in ABP No. 2671 of 2024 arising out of Khaira P.S. Case No. 12 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, Saran at Chapra/concerned Court below in connection with Khaira P.S. Case No. 12 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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