

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4149 of 2024

Arising Out of PS. Case No.-134 Year-2023 Thana- TARAIIYA District- Saran

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Budhan Kumar Son of Virendra Mahto R/O-Village - Sirmi Sani Kharanti, P.
S - Taraiya, District -Saran

... .. Appellants

Versus

1. The State of Bihar
2. Om Prakash Sah Son of Dhinavan Sah R/O- Village- Bahuara, P.S-
Mashrakh, Distt.- Saran.

... .. Respondents

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Appearance :

For the Appellant	:	Mr. Hemant Kumar, Advocate
For the Respondents	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Manjeet Kumar Bishen, Advocate
		Mrs. Shabina Talat, Advocate
		Mr. Brajesh Sahay, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 12-11-2025 Heard learned counsel for the appellant, learned

Spl. P.P. for the State and learned counsel for the State.

2. This appeal is preferred against the order dated 28.05.2024 passed by the learned Exclusive Special Judge, S.C./S.T. Act, Saran at Chapra, in connection with Taraiya P.S. Case No.134 of 2023 registered for the offence under sections 341, 323, 379, 504/34 of the Indian Penal Code and under sections 3(i)(r)(s) of the S.C./ S.T. Act, by which the prayer of the appellant for grant of bail has been rejected.

3. From the F.I.R., it appears that for a dispute over the loud music being played during the marriage of the



cousin sister of the informant, the accused persons including the appellant are alleged to have threatened and assaulted the informant side.

4. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case and no offence under the provisions of SC/ST Act is made out and consequently, this application for anticipatory bail is maintainable.

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

6. I have considered the submissions of the parties and perused the materials on record.

7. From reading of the F.I.R. it does not appear that the offence has been committed against the informant on the ground that he is a member of S.C./S.T. community and therefore, this anticipatory bail application is held to be maintainable.

8. Having considered the submission of learned counsel for the appellant and also the fact that the occurrence has taken place on account of a trivial dispute over playing loud music during a marriage ceremony, this appeal is allowed. Accordingly, the impugned order dated 28.05.2024



passed by the learned Exclusive Special Judge, S.C./S.T. Act, Saran at Chapra, in connection with Taraiya P.S. Case No. 134 of 2023 is hereby set aside.

9. Let the appellant, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, S.C./S.T. Act, Saran at Chapra, in connection with Taraiya P.S. Case No.134 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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