

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4121 of 2024

Arising Out of PS. Case No.-386 Year-2023 Thana- PAHARPUR District- East Champaran

Jhunna Mahto @ Jhunna Kumar Son of Ramyodha Mahto Village- Pakadiya
Noniya tola, Ps- Paharpur, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Punyadev Paswan Son of Late Gorakh Paswan Village- Pakadiya Paschmi tola, Ps- Paharpur, Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rahul Singh, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Prem Kumar Paswan, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 12-11-2025 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. This appeal has been preferred against the order dated 29.06.2024, passed by the learned Special Judge, S.C./S.T. (P.O.A.) Act, East Champaran, Motihari, in connection with A.B.P. No. 2748 of 2024 arising out of Paharpur P.S. Case No. 386 of 2023, registered for the offences under Sections 341, 323, 324, 325, 427, 354, 379, 504 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, by which the prayer for anticipatory bail of the appellant was rejected.



3. As per the prosecution case, for a dispute over watching circus, the present F.I.R. has been filed by the informant alleging that the appellant abused the informant by taking his caste name.

4. Learned counsel for the appellant submits that because of a quarrel over watching circus, a false and fabricated case has been filed, which is apparent from the fact that there is no specific allegation as to who was abused. It is also contended that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellant.

5. Learned counsel for the informant has vehemently opposed the prayer for anticipatory bail and has submitted that the application for anticipatory bail is not maintainable.

6. From a plain reading of the F.I.R., it appears that because of the dispute, a mala fide prosecution has been lodged under the S.C./S.T. Act and it does not appear that the alleged occurrence was committed against the informant on the ground of his belonging to the S.C./S.T. community.

7. In these circumstances, this application for grant of anticipatory bail is held to be maintainable.

Considering the rival submissions of the parties and upon perusal of the record, this appeal is allowed, and



accordingly, the order dated 29.06.2024, passed by the learned Special Judge, S.C./S.T. (P.O.A.) Act, East Champaran, Motihari, in connection with A.B.P. No. 2748 of 2024 arising out of Paharpur P.S. Case No. 386 of 2023, is hereby set aside.

8. 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 Special Judge, S.C./S.T. Act, East Champaran, Motihari / concerned court below, in connection with A.B.P. No. 2748 of 2024 arising out of Paharpur P.S. Case No. 386 of 2023, 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, 2023.

(Sandeep Kumar, J)

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