

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4132 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- TARAPUR District- Munger

Vivek Singh @ Vivekanand Singh S/o Late Hargauri Prasad Singh @
Hargauri Singh Resident of Anuranga, P.S- Tarapur, Distt. - Munger

... .. Appellant

Versus

1. The State of Bihar
2. Ram Lakhan Paswan S/o Late Khokho Paswan R/o vill - Rangaon, P.S. -
Tarapur, Distt. - Munger

... .. Respondents

Appearance :

For the Appellant	:	Mr. Udbhav Udbhav, Advocate
For the State	:	Mr. Usha Kumari 1, APP
		Mr. Shambhu Sharan Kumar, Advocate
For the O.P. No.2	:	Mr. Ajit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 12-11-2025 Heard learned counsel for the appellant, learned
Spl. P.P. for the State and learned counsel for the informant.

2. This appeal is preferred against the order dated 03.06.2024 passed by the learned 1st Additional Sessions Judge-cum- Special Judge, S.C./S.T. Act, Munger, in connection with Tarapur P.S. Case No.54 of 2024 registered for the offence under sections 341, 323, 504, 506/34 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. Allegation against the appellant is that he has abused the informant, who is the *Sarpanch* of the Panchayat, by



saying his caste name and also assaulted him.

4. Learned counsel for the appellant submits that for issuance of death certificate the appellant had approached the informant, who is the Sarpanch, but the informant was demanding money, which was opposed by the appellant and as a consequence, this *mala fide* prosecution has been launched by the informant.

5. Learned Spl. P.P. for the State and the opposite party no.2 have vehemently opposed the prayer of the appellant for grant of bail by submitting that considering the nature of allegation this anticipatory bail application under S.C./S.T. Act is not maintainable.

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

7. From reading of the F.I.R., it appears to be a *mala fide* prosecution launched by the informant, who is the *Sarpanch* of the Panchayat, over a dispute for issuance of death certificate.

8. Considering the aforesaid facts, this appeal is allowed and the impugned order dated 03.06.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. Act, Munger, in connection with Tarapur P.S. Case



No.54 of 2024 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 1st Additional Sessions Judge-cum- Special Judge, S.C./ S.T. Act, Munger / concerned Court, in connection with Tarapur P.S. Case No.54 of 2024, 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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