

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4103 of 2025

Arising Out of PS. Case No.-551 Year-2025 Thana- FATUA District- Patna

Rajkumar Singh S/O Late Ram Prasad Singh R/O Shiv Chak, P.S. Fatuha,
District- Patna

... .. Appellant

Versus

1. The State of Bihar.
2. Bimla Devi W/O Shravan Paswan R/O Fajli Chak, P.S. Fatuha, District-
Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Anand
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 07-11-2025 Heard learned counsel for the appellants, learned
Spl. P.P. for the State.

2. This appeal is preferred against the order dated 01.09.2025 passed by the learned Exclusive Special Judge, (SC/ST, Act), Patna passed in ABP No. 3626 of 2025, in connection with Fatuha P.S. Case No. 551 of 2025, registered under Sections 126(2), 115(2), 74, 352, 351(2), 3(5) of the BNS Act and under Section 3(I)(r)(s) (w) of the S.C./ S.T. Act.

3. As per the prosecution case, the allegation against the appellant is that he has assaulted the informant and her other family members and also threatened them by caste name.



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 in this case as the main thrust of allegation is because of a trivial dispute and not because of prosecution side belonging to the SC/ST community, therefore not even a prima facie case is made out and consequently, this application for anticipatory bail is maintainable. He relies upon the Judgment of the Hon'ble Supreme Court in the case of *Kiran Vs. Rajkumar Jivraj Jain and Anr.* reported in *2025 INSC 1067* and in the case of *Hitesh Verma Vs. State of Uttarakhand* reported in *(2020) 10 SCC 710*.

5. Learned counsel for the State, vehemently, opposed the prayer for bail of the appellant.

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 that the occurrence has taken place on account of old money transaction and it does not appear that offence has been committed against the informant on the ground that he is a member of S.C./S.T. community.

8. Considering the aforesaid facts and also the law



laid down by the Hon'ble Supreme Court in the case of *Kiran vs. Rajkumar Jivraj Jain and Anr. (Supra)* and in the case of *Hitesh Verma Vs. State of Uttarakhand (supra)*, this application for grant of anticipatory bail is held to be maintainable.

9. Having considered the submissions of the parties and also considering the facts of the case, this appeal is allowed. Accordingly, the order dated 01.09.2025 passed by the learned Exclusive Special Judge, (SC/ST, Act), Patna passed in ABP No. 3626 of 2025, in connection with Fatuha P.S. Case No. 551 of 2025, is hereby set aside.

10. 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, (SC/ST, Act) Sadar Patna, in connection with Fatuha P.S. Case No. 551 of 2025, 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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