

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4860 of 2024

Arising Out of PS. Case No.-454 Year-2024 Thana- AMARPUR District- Banka

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1. Vishwajeet Kumar Son of Sanjay Yadav @ Sanjay Kumar R/O-Village -Kumarpur, P.S- Fullidumar, District- Banka
 2. Kushwajeet Kumar Son of Sanjay Yadav @ Sanjay Kumar R/O-Village -Kumarpur, P.S- Fullidumar, District- Banka
 3. Hitesh Kumar Son of Gopal Thakur R/O-Village -Kumarpur, P.S- Fullidumar, District- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. Shobha Devi Wife of Lakhan Das R/O-Village and P.O. -Kumarpur, P.S- Fullidumar, District- Banka

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Brij Nandad Prasad, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Praveen Kumar, Advocate
		Mr. Ravi Prakash Dwivedi, Advocate
		Mr. Saurabh Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 10-11-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant.

2. This appeal has been preferred against the order dated 18.09.2024 passed by the learned Additional Sessions Judge-1st-Cum-Special Judge, S.C./S.T. (POA) Act, Banka in connection with Amarpur (Fullidumar) P.S. Case No. 454 of 2024, registered for the offences under Sections 126(2), 115(2), 74, 352 and 3(5) of the B.N.S., 2023 and Section 3(i)(r)(s), (w) of the S.C./S.T. (Prevention of Atrocities) Act.



3. As per the prosecution case, the allegation is that the accused persons abused and assaulted the informant with *lathi* and *danda*, and also assaulted her sons when they came to intervene. The occurrence is said to have taken place due to a land dispute.

4. Learned counsel for the appellants submits that the allegations made in the F.I.R. are general and omnibus in nature, and the appellants have been falsely implicated in this case. It is further submitted that no offence under the provisions of the S.C./S.T. (Prevention of Atrocities) Act is made out against the appellants. Hence, the application for anticipatory bail is maintainable. He further relies upon the judgments of the Hon'ble Supreme Court in the cases of ***Kiran Vs. Rajkumar Jivraj Jain and Anr.***, reported in ***2025 INSC 1067***, and ***Hitesh Verma Vs. State of Uttarakhand***, reported in ***(2020) 10 SCC 710***.

5. Learned counsel for the informant has opposed the prayer for bail.

6. From a perusal of the FIR, it does not appear that the alleged offence was committed against the informant on the ground that she belongs to the S.C./S.T. community.

7. In these circumstances, and considering the law laid



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

8. Considering the rival submissions of the parties, this appeal is allowed, and accordingly, the order dated 18.09.2024 passed by the learned Additional Sessions Judge-1st-Cum-Special Judge, S.C./S.T. (POA) Act, Banka in connection with Amarpur (Fullidumar) P.S. Case No. 454 of 2024 is 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 Additional Sessions Judge-1st-Cum-Special Judge, S.C./S.T. (POA) Act, Banka/ concerned Court below in connection with Amarpur (Fullidumar) P.S. Case No. 454 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal/ Section 482(2) of the B.N.S.S.

(Sandeep Kumar, J)

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