

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4984 of 2024

Arising Out of PS. Case No.-354 Year-2024 Thana- CIVIL LINE District- Gaya

Anay Kumar Gupta @ Ankay S/o- Late Anup Kumar Gupta Ro Mohalla- Pita
Maheshwar Near Police Adda PS- Civil Lines District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar S/o- Sri Shatrughna Paswan Village- ChhotakiDelha Nabab
Colony Ps- Delha Dist- Gaya

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Sinha, Advocate Mr. Shailesh Kumar, Advocate Ms. Varsha Verma, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

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

2. Despite valid service of notice, none has appeared
on behalf of the respondent no. 2.

2. This appeal has been preferred against the order
dated 05.10.2024 passed by the learned Exclusive Special
Judge, S.C./S.T., Gaya in connection with A.B.P. No. 316 of
2024 arising out of Civil Lines P.S. Case No. 354 of 2024,
registered for the offences under Sections 504, 506/34 of the
Indian Penal Code and Sections 3(1)(r) and 3(i)(s) of the
S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, the allegation is that
the accused persons, armed with iron pipes and rods, came to



the place of occurrence, abused the informant with caste-indicative words, and threatened to shoot and forcibly vacate the land.

4. Learned counsel for the appellant submits that the dispute pertains to the land which had earlier been purchased by the appellant, and was subsequently purchased by the informant from the same vendor. Owing to this transaction, the present false case has been instituted by the subsequent purchaser, who is the informant 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 appellant. 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 he 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 05.10.2024 passed by the learned Exclusive Special Judge, S.C./S.T., Gaya in connection with A.B.P. No. 316 of 2024 arising out of Civil Lines P.S. Case No. 354 of 2024 is 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) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, S.C./S.T., Gaya/ concerned Court below in connection with Civil Lines P.S. Case No. 354 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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