

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5485 of 2024

Arising Out of PS. Case No.-787 Year-2024 Thana- GAYA MUFASIL District- Gaya

Ranjeet Yadav @ Shiv Kumar Son of Nareshi yadav R/O Village - Nauranga,
P.S.- Muffasil, District - Gaya

... .. Appellant

Versus

1. The State of Bihar
2. Gautam Kumar S/O Vigan Rajak R/O Village - Nauranga, P.S.- Muffasil,
District - Gaya

... .. Respondent

Appearance :

For the Appellant/s : Mr.Durgesh Nandan
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 10-11-2025 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

2. This appeal is preferred against the order dated 18.11.2024 passed by the learned Exclusive Spl. Judge (SC/ST, Act) Gaya passed in ABP No. 351 of 2024, in connection with Muffasil P.S. Case No. 787 of 2024, registered under Sections 126(2), 115(2), 109, 352, 351(2), 3(5) of the Indian Penal Code and under Section 3(i)(r)(s) of the S.C./ S.T. Act, by which the prayer for Anticipatory bail of the Appellant has been rejected.

3. As per the prosecution case, the allegation against the appellants is that they have assaulted the informant and also threatened him by caste name.



4. Learned counsel for the appellants submits that the appellants have 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 and the informant have opposed the prayer of the appellants for grant of bail.

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 petty dispute between the parties 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 18.11.2024 passed by the learned Exclusive Spl. Judge (SC/ST, Act) Gaya, in connection with Muffasil P.S. Case No. 787 of 2024 is hereby set aside.

10. 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 Exclusive Spl. Judge (SC/ST, Act) Gaya in connection with Muffasil P.S. Case No. 787 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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