

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5444 of 2024

Arising Out of PS. Case No.-823 Year-2024 Thana- SONEPUR District- Saran

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1. Omkar Singh Son of Late Siyaram Singh Resident of Village -Pahadichak Bamangava, Sonepur, PS- Sonepur, District- Saran at Chhapra
 2. Gopal Singh @ Mohan Singh Son of late Siyaram Singh Resident of Village -Pahadichak Bamangava, Sonepur, PS- Sonepur, District- Saran at Chhapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Sangita Devi wife of Pradeep Choudhary Resident of Village- Pahadichak, Ward No.5, P.S.- Sonepur, Distt.- Saran at Chhapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prakash Chandra, Advocate
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Mr. Shakti Suman Kumar, 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 12.11.2024 passed by the learned S.C./S.T. Exclusive Special Judge, Saran at Chapra in connection with Sonepur P.S. Case No. 823 of 2024, registered for the offences under Sections 126(2), 115(2), 324(5), 74, 352, 351(2), 351(3) and 3(5) of the B.N.S., 2023 and Section 3(1)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, the allegation against



the appellants is that they, along with about ten labourers, attempted to demolish the old house of the informant with *khanti*, hammer, and rods, and upon objection by the informant, they allegedly abused him using his caste name.

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 the present occurrence took place due to a land dispute, and 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 12.11.2024 passed by the learned S.C./S.T. Exclusive Special Judge, Saran at Chapra in connection with Sonapur P.S. Case No. 823 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 S.C./S.T. Exclusive Special Judge, Saran at Chapra/ concerned Court below in connection with Sonapur P.S. Case No. 823 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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