

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5466 of 2024

Arising Out of PS. Case No.-31 Year-2023 Thana- SC/ST District- Banka

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1. Sunil Thakur @ Sunil Kumar Thakur Son of Dasu Thakur Resident of Village- Bhitthi, Post-Jogdiha, PS- Banka, Distt.- Banka, Bihar-813102
 2. Anil Thakur @ Anil Kumar Thakur Son of Dasu Thakur Resident of Village- Bhitthi, Post-Jogdiha, PS- Banka, Distt.- Banka, Bihar-813102
 3. Roushan Thakur @ Raushan Kumar Thakur Son of Dasu Thakur Resident of Village- Bhitthi, Post-Jogdiha, PS- Banka, Distt.- Banka, Bihar-813102
 4. Dasu Thakur Son of Late Panguri Thakur Resident of Village- Bhitthi, Post-Jogdiha, PS- Banka, Distt.- Banka, Bihar-813102

... .. Appellant/s

Versus

1. The State of Bihar
2. Kabita Devi Wife of Gauri Shankar Tatti Resident of Village- Bhitthi, P.O.- Jogdiha, P.S.- Banka, Distt.- Banka, Bihar-813102

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jai Ram Singh, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 10-11-2025 Heard learned counsel for the appellants, learned
Spl. P.P. for the State and counsel for the Informant.

2. This appeal is preferred against the order dated 22.10.2024 passed by the learned Additional Sessions Judge-cum- Special Judge (SC/ST, Act), Banka passed in ABP No. 1319 of 2024, in connection with Banka SC/ST P.S. Case No. 31 of 2023, registered under Sections 341, 323, 448, 504 and 506/34 of the Indian Penal Code and under Section 3(i)(r) (s)(w)/ 3(2)(va) of the S.C./ S.T. Act., whereby the prayer for



Anticipatory bail of the Appellants has been rejected.

3. As per the prosecution case, the allegation against the appellants is that they have abused and assaulted the informant. After the registration of the F.I.R., the case investigated and the allegations were found false, thereafter, Final Form was submitted. The Magistrate has deferred from the Final Form.

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 took place due to previous enmity and it does not appear that offence has been committed against the informant on the ground that she 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 that allegations have been found false and Final Form was submitted, this appeal is allowed. Accordingly, the order dated 22.10.2024 passed by the learned Additional Sessions Judge-cum- Special Judge (SC/ST, Act), Banka passed in ABP No. 1319 of 2024, in connection with Banka SC/ST P.S. Case No. 31 of 2023, 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 Additional Sessions Judge-cum- Special Judge (SC/ST, Act), Banka, in connection with Banka SC/ST P.S. Case No. 31 of 2023, 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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