

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5449 of 2024

Arising Out of PS. Case No.-362 Year-2020 Thana- VAISHALI District- Vaishali

1. Md. Amjad @ Amjad Hussan Son of Nevaji Sah Resident of Village-
Purkhauli, Abhva, P.S.- Vaishali, Distt.- Vaishali, Bihar
2. Ishrat Praveen Wife of Md. Amjad @ Amjad Hussain Resident of Village-
Purkhauli, Abhva, P.S.- Vaishali, Distt.- Vaishali, Bihar
3. Md. Mahbob Alam @ Mahboob Alam Son of Md. Amjad @ Amjad Husan
Resident of Village- Purkhauli, Abhva, P.S.- Vaishali, Distt.- Vaishali, Bihar
4. Md. Irfan son of Md. Abdul Qaiyun Sah Resident of Village- Gapsara, P.S.-
Karja, Distt.- Muzaffarpur, Bihar

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prakash Chandra, Advocate

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

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

2. This appeal has been preferred against the order dated 09.10.2024 passed by the learned Court of Special Judge, S.C./S.T. (P.O.A.) Act, Vaishali at Hajipur in connection with A.B.P. No. 2678 of 2024 arising out of Vaishali P.S. Case No. 362 of 2020, registered for the offences under Sections 302 and 34 of the Indian Penal Code and Sections 3(1)(R)(S) and 3(2) (V) of the S.C./S.T. (Prevention of Atrocities) Act.

3. The F.I.R. was investigated, and the allegations



were found to be false. Thereafter, the police submitted the final form exonerating the appellants. However, the learned Magistrate differed with the final form and took cognizance. In my view, once the occurrence was found to be false and the appellants were exonerated by the police after due investigation, the order taking cognizance does not appear to be justified.

4. Learned counsel for the appellants submits 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 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 aforesaid facts and circumstances, this appeal is allowed, and accordingly, the order dated 09.10.2024 passed by the learned Court of Special Judge, S.C./S.T. (P.O.A.) Act, Vaishali at Hajipur in connection with A.B.P. No. 2678 of 2024 arising out of Vaishali P.S. Case No. 362 of 2020 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 Special Judge, S.C./S.T. (P.O.A.) Act, Vaishali at Hajipur cum Additional District & Sessions Judge, Vaishali/ concerned Court below in connection with Vaishali P.S. Case No. 362 of 2020, 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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