

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5451 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- COMPLAINT CASE District- Araria

1. Vijay Kumar Jha Son of Late Yugal Kishore Jha Resident of Village - Mahadeokol, Police Station - Palasi, District - Araria
2. Arun Kumar Jha Son of Late Yugal Kishore Jha Resident of Village - Mahadeokol, Police Station - Palasi, District - Araria
3. Barun Kumar Jha Son of Late Yugal Kishore Jha Resident of Village - Mahadeokol, Police Station - Palasi, District - Araria
4. Aashin Jha @ Ashwani Kumar Jha Son of Late Yugal Kishore Jha Resident of Village - Mahadeokol, Police Station - Palasi, District - Araria

... .. Appellant/s

Versus

1. The State of Bihar
2. Sobin Tuddu Son of Bikram Tuddu Resident of Village - Chauri Ward No.04, Police Station - Palasi, District - Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Mukesh Kumar Rana, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Complainant	:	Mr. Anamul Haque, 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 complainant.

2. This appeal has been preferred against the order dated 12.11.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with A.B.P. No. 2548 of 2024 arising out of Complaint Case No. 11 of 2023, registered for the offences under Sections 341, 323, 427, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r) and 3(i)(s) of the S.C./S.T. (Prevention of Atrocities) Act.

3. As per the prosecution case, there is a land dispute between the parties, and the allegation against the appellants is



that they assaulted and abused the informant by taking his caste name.

4. Learned counsel for the appellants submits that the allegations made in the complaint petition are general and omnibus in nature, and the appellants have been falsely implicated in this case. It is further submitted that there is a delay of 18 days in lodging the complaint, which has not been explained. It is further contended 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 rival submissions of the parties, this appeal is allowed, and accordingly, the order dated 12.11.2024 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with A.B.P. No. 2548 of 2024 arising out of Complaint Case No. 11 of 2023 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 1st Additional Sessions Judge-cum-Special Judge, Araria/ concerned Court below in connection with Complaint Case No. 11 of 2023, 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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