

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5483 of 2024

Arising Out of PS. Case No.-372 Year-2024 Thana- MOKAMAH District- Patna

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1. Banti Devi W/o- Chiku Singh Village- Mokama Modan Gachi Ward no- 05 PS-Mokama District- Patna
 2. Chiku Kumar Singh @ Chiku Singh @ Chiku Kumar S/o- Suresh Singh Village- Mokama Modan Gachi Ward no- 05 PS-Mokama District- Patna
- Appellant/s

Versus

1. The State of Bihar.
 2. Sony Devi w/o- Mahipal Paswan Village- Modan Gachi Ward no- 05 PS-Mokama District- Patna
- Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Kumar, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 10-11-2025 Heard learned counsel for the appellants, learned Spl. P.P. for the State. None appears for the Respondent No.2 despite valid service of notice.

2. This appeal is preferred against the order dated 28.10.2024 passed by the learned Exclusive Spl. Judge (SC/ST, Act), Sadar, Patna in ABP No. 4419 of 2024, in connection with Mokama P.S. Case No. 372 of 2024, registered under Sections 126(2), 115(2), 308(2), 352, 351(2), 3(5) of BNS and Section 3(i)(r)(s), 3(2)(va) of SC/ST Act, by which the prayer for Anticipatory bail of the Appellants has been rejected.

3. As per the prosecution case, the allegation against the appellants including two women is that they have entered into the house of the informant and snatched money



from the informant.

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 has 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 to be mala fide prosecution in which the Appellants have been made accused 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 28.10.2024 passed by the learned Exclusive Spl. Judge (SC/ST, Act), Sadar, Patna in ABP No. 4419 of 2024, in connection with Mokama P.S. Case No. 372 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), Sadar, Patna, in connection with Mokama P.S. Case No. 372 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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