

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5501 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- Bahoranpur District- Bhojpur

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1. Pappu Ray @ Ajit Ray, son of Bula Ray @ Ravindra Ray.
 2. Rahul Ray Son of Bula Ray @ Ravindra Ray.
Both are resident of village - Bahoranpur PS -Bahoranpur, District -Bhojpur

... .. Appellants

Versus

1. The State of Bihar
2. Mahabir Ram son of Tetar Ram Village- Bahoranpur PS- Bahoranpur District -Bhojpur

... .. Respondents

Appearance :

For the Appellants	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Binay Krishna, Spl. P.P.
For the Informant	:	Mr. Ataul Haque, Advocate

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 learned counsel for the informant.

2. This appeal is preferred against the order dated 24.10.2024 passed by the learned 1st Additional Sessions Judge-cum- Special Judge, S.C./S.T. Act, Bhojpur at Ara, in connection Bahoranpur P.S. Case No.64 of 2024 registered for the offence under sections 191(2), 190, 126(2), 115(2), 117(2), 303(2), 352(2) of the B.N.S., 2023 and under sections 3(i)(r) (s)/3(2)(va) of the S.C./ S.T. Act, by which the prayer of the appellants for grant of bail has been rejected.



3. As per the prosecution case, while the informant was returning from the shop, the accused persons including the appellants came and abused him by taking his caste name. They also assaulted the informant with iron road and took out Rs.700/- from his pocket.

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 as the real fact is that when the appellants and others have caught the informant with country made pistol, the present F.I.R. has been lodged by the informant against the appellants and others. 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 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 does not appear that the 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. From reading of the present F.I.R. and the connected case filed by the police viz. Bahoranpur P.S. Case No.63 of 2024, I find force in the submission of learned counsel for the appellants that the present F.I.R. has been lodged by the informant with mala fide intention. Accordingly, this appeal is allowed and the impugned order dated 24.10.2024 passed by the learned 1st Additional Sessions Judge-cum- Special Judge, S.C./S.T. Act, Bhojpur at Ara, in connection Bahoranpur P.S. Case No.64 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 1st Additional Sessions Judge-cum- Special Judge, S.C./ S.T. Act, Bhojpur at Ara / concerned Court, in connection with Bahoranpur P.S. Case No.64 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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