

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5546 of 2024**

Arising Out of PS. Case No.-433 Year-2024 Thana- GAYA KOTWALI District- Gaya

1. Birjoo Prasad @ Birju Prasad @ Brijoo Prasad S/O- Late Sahab Sao Village- Telbigha Domtoli Ps- Kotwali Dist- Gaya
2. Bipin Prasad @ Bipin Kumar S/O- Birjoo Prasad @ Birju Prasad @ Birjoo Prasad Village- Telbigha Domtoli Ps- Kotwali Dist- Gaya
3. Reena Gupta @ Reena Devi W/O- Vinaye Prasad @ Vinaye Prasad Gupta Village- Telbigha Domtoli Ps- Kotwali Dist- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Anita Kumari D/o- Ramesh Das Village- Telbigha Domtoli Ps- Kotwali Dist- Gaya

... .. Respondent/s

**Appearance :**

|                      |   |                            |
|----------------------|---|----------------------------|
| For the Appellant/s  | : | Mr. Surendra Kumar Singh   |
| For the Respondent/s | : | Mrs. Usha Kumari 1         |
| For the informant    | : | Mr. Priyadarshi Pankaj Raj |

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

4      10-11-2025                      Heard learned counsel for the appellants, the learned  
Spl. P.P. for the State and the learned counsel for the informant.

2. This appeal is preferred against the order dated 24.09.2024 passed by the learned Special Judge, SC/ST (POA)Act, Gaya passed in ABP No. 299 of 2024 arising out of Kotwali P.S. Case No. 433 of 2024 registered for the offence under Sections 126(2), 155(2), 109, 303(2), 75, 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the appellants are



accused of assaulting the informant and abusing him by taking his caste name.

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 and therefore the application of the anticipatory bail is maintainable. He further submits that the appellant no. 1 is an 80 years old man and the appellant no. 3 is a woman. He further submits that the appellants are the landlord of the informant and a false case has been filed by the informant. He further 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 learned counsel for the informant have opposed the prayer of the appellants.

6. From the reading of the entire FIR it does not appear that offence has been committed against the informant on the ground that he is a member of SC/ST community and the same appears to be a *mala fide* prosecution.

7. In these circumstances, considering 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.

8. Considering the rival submissions of the parties and the facts of the case, this appeal stands allowed. Accordingly, the order dated 24.09.2024 passed by the learned Special Judge, SC/ST (POA)Act, Gaya passed in ABP No. 299 of 2024 arising out of Kotwali P.S. Case No. 433 of 2024 is hereby 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, SC/ST (POA)Act, Gaya/concerned Court below in connection with Kotwali P.S. Case No. 433 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)

Shishir/-

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