

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5598 of 2024

Arising out of PS. Case No.-551 Year-2023 Thana- KONCH District- Gaya

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Amit Kumar, S/o- Rajdev Yadav, Resident of Village- Mardua P.S.- Tekari
Dist- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. Poonam Devi (Female), Wife of Rajesh Kumar Rajak, Resident of Village-
Siyadih Mathiya, Police Station-Konch, Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Birendra Kumar, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For the Informant	:	Mr. Arvind Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 10-11-2025 Heard learned counsel for the appellant, learned
counsel for the Informant and learned Spl. P.P. for the State.

2. This appeal is preferred against the order dated
07.09.2025 passed by the learned Exclusive Special Judge,
(SC/ST, Act), Gaya passed in ABP No. 273 of 2024, in
connection with Konch P.S. Case No. 551 of 2023, registered
under Sections 341, 323, 354(B), 504, 506, 34 of Indian Penal
Code and Sections 3(2)(va) of S.C./ S.T. Act by which
anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, the allegation
against the appellant is that he has snatched golden chain from
the neck of the informant and abused her by taking caste name.



The present FIR has been filed after eight months of the alleged occurrence.

4. Learned counsel for the appellant submits that the appellant has 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 land 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 Informant as well as learned counsel for the State have vehemently opposed the prayer for bail of the appellant. Learned counsel for the Informant has not explained the delay of eight months.

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 that the occurrence has taken place on account of land dispute between



the parties and it does not appear that offence has been committed against the informant on the ground that she is a member of S.C./S.T. community.

8. Considering the aforesaid facts and *mala fide* prosecution 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 07.09.2025 passed by the learned Exclusive Special Judge, (SC/ST, Act), Gaya passed in ABP No. 273 of 2024, in connection with Konch P.S. Case No. 551 of 2023, is hereby set aside.

10. Let the appellant, in the event of his 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 Special Judge, (SC/ST, Act) Gaya, in connection with Konch P.S. Case No. 551 of 2023, 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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