

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.130 of 2025

Arising Out of PS. Case No.-123 Year-2024 Thana- SINDHIYA District- Samastipur

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Jomna Mukhiya @ Yamuna Mukhiya S/O Late Lachho Mukhiya @ Lalo Mukhiya Resident of Village - Lilhaul Tola - Gujra, P.S- Singhiya, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Suresh Ram S/O Late Adhikal Ram Resident of Village - Lilhaul, Tola - Gujra, P.S- Singhiya, District- Samastipur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Raja Ram Mishra, Advocate
For the Respondent/s : Ms.Usha Kumari I,Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 25-11-2025 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

2. This appeal is preferred against the order dated 29.10.2024 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in ABP No. 2938 of 2024 in connection with Singhiya P.S. Case No. 123 of 2024 registered under Sections 191(3), 190, 303(2), 126(2), 115(2), 118(1), 109, 324(4), 352, 351(2), 191(2) of the B.N.S. and under Section 3(1)(s)/3(2)(va) of the SC/ST (POA) Act pending in the Court of learned Special Judge, SC/ST (POA) Act, Samastipur.

3. As per the prosecution case, 14 accused persons attacked the informant's family with sticks causing injury to



them and they even looted money from the house of the informant.

4. Learned counsel for the appellant submits that from the allegations levelled against it appears that the petitioner is said to have only accompanied the main accused. 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 occurrence has taken place due to issues arising from money dispute and therefore the application of the anticipatory bail is maintainable.

5. Learned counsel for the State has opposed the prayer of the appellant.

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 primarily, it appears that the occurrence has taken place due to issues arising from money dispute.

7. In these circumstances, this application for grant of anticipatory bail is held to be maintainable.

8. Considering the facts of the case and the rival submissions of the parties, this appeal is allowed and



accordingly, the order dated 29.10.2024 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in ABP No. 2938 of 2024 in connection with Singhiya P.S. Case No. 123 of 2024, is hereby set aside.

9. 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 Special Judge, SC/ST (POA) Act, Samastipur /concerned Court below in connection with Singhiya P.S. Case No. 123 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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