

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.5699 of 2024**

Arising Out of PS. Case No.-124 Year-2024 Thana- KASMA District- Aurangabad

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1. Ganesh Sharma @ Ganesh Mistri Son of Late Narayan Sharma @ Narayan Mistri Resident of Village - Mohan Bigha, P.O. - Dugul, P.S. - Kasma, District - Aurangabad
  2. Chitranjan Sharma @ Ranjit Sharma @ Chitranjan Kumar @ Ranjit Kumar Son of Ganesh Sharma @ Ganesh Mistri Resident of Village - Mohan Bigha, P.O. - Dugul, P.S. - Kasma, District - Aurangabad

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalita Devi Wife of Late Baliram Das Resident of Village - Mohan Bigha, P.O. - Dugul, P.S. - Kasma, District - Aurangabad

... .. Respondent/s

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**Appearance :**

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| For the Appellant/s | : | Mr. Rahul Kumar Singh, Advocate  |
| For the State       | : | Mrs. Usha Kumari 1, Special P.P. |
| For Respondent No.2 | : | Ms. Sakshi Deep, Advocate        |

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      13-11-2025                      Heard learned counsel for the appellants, learned Special P.P., Mrs. Usha Kumar 1 as well as learned counsel appearing on behalf of respondent no.2.

2. This is an appeal under Section 14(A)2 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 30.09.2024, passed by learned Special Judge (SC/ST)-cum-1st Additional District & Sessions Judge, Aurangabad in connection with Kasma P.S. Case No.124 of



2024, registered under Sections 127(1), 115(2), 303(2) and 3(5) of B.N.S., 2023 and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act.

3. Learned counsel appearing on behalf of the appellants submits that appellants are persons with clean antecedent and the informant alleges that on 09.08.2024 in the morning, the appellants came and started abusing by taking caste name and thereafter dashed the informant on the ground and started assaulting. On alarm, villagers gathered when the accused persons fled away after snatching ornament worth Rs.10,000/-.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations, as alleged in the FIR, it would manifest that no reason for the occurrence has been alleged. It is further submitted that even presuming what has been alleged is true without admitting then the entire occurrence took place at the house of the informant and thus was not in public view and the FIR also does not even remotely suggests that the occurrence was witnessed by any independent witness rather informant alleges that on alarm people gathered but the accused persons



fled away. It is next submitted that appellant no.1 had insituted Kasma P.S. Case No.77 of 2024 against the informant and her son and other relative on 02.06.2024, as such, in order to coerce the appellants into submission, the present false case came to be instituted which perhaps explains why no reason for the occurrence is alleged.

5. Learned Special P.P. and the learned counsel appearing on behalf of the informant oppose but then not in a position to rebut the submission of the learned counsel appearing on behalf of the appellants that no reason for the occurrence is alleged in the FIR.

6. Considering the submissions made by learned counsel appearing on behalf of the appellants, let appellants, above named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Kasma P.S. Case No.124 of 2024, subject to the conditions as laid down under Section 482(2) of the Code of Criminal Procedure.



7. Accordingly, the impugned order is set aside and  
this appeal stands allowed.

(Satyavrat Verma, J)

Sanjay/-

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