

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1290 of 2024

Arising Out of PS. Case No.-231 Year-2023 Thana- IMAMGANJ District- Gaya

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1. Sree Ram Kumar @ Chhotu Kumar Soni S/o Late Amka Prasad Soni R/o Vill - Jharha, P.S. - Imamganj, Dist. - Gaya
 2. Subhash Kumar @ Subhash Kumar Soni S/o Late Amka Prasad Soni R/o Vill - Jharha, P.S. - Imamganj, Dist. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Das S/o Raj Kumar Das R/o Vill - Babhandih, P.S. - Imamganj, Dist. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sudhir Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 12-03-2026 The service of notice is treated as valid. Despite valid service of notice, none has appeared on behalf of the Respondent No. 2.

2. Heard learned counsel for the appellants and the learned Spl. P.P. for the State.

3. This appeal is preferred against the order dated 16.02.2024 passed by the learned Exclusive Special Judge, SC/ST (POA)Act, Gaya passed in ABP No. 34 of 2024 arising out of Imamganj P.S. Case No. 231 of 2023 registered for the offence under Sections 341, 323, 504/34 of the Indian Penal Code and under Sections 3(i)(r)(s) of the SC/ST Act, by which



the prayer of the appellants for anticipatory bail was rejected.

4. As per the prosecution case, the informant alleges that the accused persons ordered a banner from his shop and paid Rs. 2,900, leaving a balance of Rs. 600. Although the accused allegedly promised to pay the remaining amount within two days, they failed to do so. On 22.08.2023, when the informant visited the accused persons' shop to demand the outstanding payment, the accused allegedly abused him using caste-based slurs, refused to pay the balance, and threatened him.

5. 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, this anticipatory bail application is maintainable. He further submits that the allegations levelled against the appellants are general and omnibus in nature.

6. Learned counsel for the State has opposed the prayer of the appellants.

7. 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.



8. In these circumstances, in the opinion of this Court, this application for grant of anticipatory bail is maintainable.

9. Considering the rival submissions of the parties and the facts of the case, the appeal stands allowed. Accordingly, the 16.02.2024 passed by the learned Exclusive Special Judge, SC/ST (POA) Act, Gaya passed in ABP No. 34 of 2024 arising out of Imamganj P.S. Case No. 231 of 2023 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 Court below where the case is pending/successor Court in connection with Imamganj P.S. Case No. 231 of 2023 , subject to the conditions laid down under Section 438(2) of the Cr. P.C./ Section 482(2) of the BNSS.

(Sandeep Kumar, J)

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