

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2471 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- Amhara P.S. (I.I.T.A. Bihta) District- Patna

Sanjay Thakur S/o Shri Subhash Thakur R/o Vill- Rajpur, P.S.- IIT Amhara,
Distt- Patna

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Akshaylal Ram S/o Ramkaran Ram R/o Vill- Rajpur, P.S.- IIT Amhara,
Distt- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ghanshyam Mr.Amarendra Kumar
For the Respondent/s	:	Mrs.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 16-04-2026 1. Heard the parties.

2. The appellant has filed the present appeal for grant of anticipatory bail after refusal of his prayer for anticipatory bail by learned Exclusive Special Judge SC/ST, Patna on 31-05-2025 in ABP No. 1729 / 2025 arising out of IIT Amhara P.S. Case No.- 41 / 2025 registered for an offence u/s- 126(2) / 115(2) / 109 / 352 / 3(5) of the B.N.S. 2023 & Section 3(1)(r)(s) (w) / 3(2)(va) SC/ST Act.

3. As per the F.I.R. on 18.03.2024 in the morning the appellant along with other accused persons arrived at the door of the informant, started abusing and when protested, the appellant and others called him by his caste name. When the wife of the



informant intervened in order to save him, the accused persons also assaulted her causing head injury.

4. Learned counsel for the appellant submits that both the parties are co-villagers and neighbours and occurrence has taken place on a trivial issue of throwing cow dung in polythene along with some stone chips. The allegation of calling by caste name is not with intention to humiliate or demean the informant or his family members. The allegation of calling by caste name is an exaggeration and only minor scuffle took place in which simple injury has been caused to the victim. He further submits that the appellant filed anticipatory bail application before the learned Special Court on 23.04.2025 and after rejection of the same, the present appeal for grant of anticipatory bail was filed by the appellant before this court on 25.06.2025. The appellant was not absconding, however, during pendency of this appeal process under Section 82, 83 Cr.P.C. (Section 84 & 85 B.N.S.S.) has been issued. Referring to the judgment passed in the case of Asha Dubey versus State of Madhya Pradesh reported in 2024 SCC OnLine SC 5633, learned counsel submits that the Hon'ble Supreme Court has clarified that in the event of declaration under section 82 Cr.P.C., it is not as if in all cases there will be a total embargo on considering the application for grant of



anticipatory bail and when liberty of the appellant is pitted against, the court has to see the circumstances of the case, nature of the offence and the background based on which such a proclamation was issued.

5. No one appears for the respondent no. 2- informant despite service of notice.

6. Learned counsel for the State opposed the prayer for bail and submits that the appellant is specifically named in the F.I.R. and he has called the informant and his family members by their caste name.

7. Regard being had to the submission made by the parties, taking into consideration the the background of the case in totality and the fact that both the parties are neighbours and occurrence has taken place on a trivial issue, accordingly, I am inclined to grant anticipatory bail to the appellant.

8. Accordingly, the order dated 31-05-2025 passed in A.B.P. No. 1729 / 2025 arising out of IIT Amhara P.S. Case No.- 41 / 2025 is hereby set aside. The appeal is allowed.

9. Let the appellant, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two



sureties of the like amount each to the satisfaction of learned court of Exclusive Special Judge SC/ST Act, Patna in connection with IIT Amhara P.S. Case No.- 41 / 2025 subject to the condition as laid down under Section 482 (2) of the B.N.S.S.

(Anil Kumar Sinha, J)

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