

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4647 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- Chhaudahi District- Begusarai

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1. Santosh Kumar Singh @ Laddu Son of Sanjay Singh @ Sanjay Kumar Singh Resident of Village- Benga, PS -Chhaurahi (Chhaudahi), Distt.- Begusarai
 2. Sintu Kumar @ Babul Kumar @ Babul Singh Son of Sanjay Singh @ Sanjay Kumar Singh Resident of Village- Benga, PS -Chhaurahi (Chhaudahi), Distt.- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Parvati Devi Wife of Ram Prakash Das Resident of Village- Benga, PS -Chhaurahi (Chhaudahi), Distt.- Begusarai

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sarbottam Kumar Sarkar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 12-03-2026 Heard learned counsel for the appellants and the learned Spl. P.P. for the State. None has appeared on behalf of the Respondent No. 2 despite valid service of notice.

2. This appeal is preferred against the order dated 22.08.2024 passed by the learned Exclusive Special Judge, SC/ST (POA)Act, Begusarai passed in ABA No. 1535 of 2024 arising out of Chhourahi (Chhaudahi) P.S. Case No. 46 of 2024 registered for the offence under Sections 341, 323, 354, 366(A), 504, 506/34 of the Indian Penal Code and under Sections 3(i)(r) (s)(w), 3(2)(va) of the SC/ST Act, by which the prayer of the



appellants for anticipatory bail was rejected.

3. As per the prosecution case, the appellants are accused of assaulting the informant and abusing him by taking his caste name.

4. Learned counsel for the appellants submits that they have been falsely implicated in the present case. It is further submitted that the appellants are brothers of the main accused, *Mintu Kumar*, who is alleged to have kidnapped the victim girl. He also contends that the informant does not belong to a Scheduled Caste but is a member of the Tanti Tatwa caste; therefore, no offence under the provisions of the SC/ST Act is made out against the appellants.

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

6. Considering the fact that the appellants are the brother of the main accused Mintu Kumar, and in the opinion of this Court, no offence under the provisions of SC/ST Act is made out against the appellants, therefore, this application for grant of anticipatory bail is maintainable.

7. Considering the rival submissions of the parties and the facts of the case, the appeal stands allowed. Accordingly, the 22.08.2024 passed by the learned Exclusive Special Judge,



SC/ST (POA)Act, Begusarai passed in ABA No. 1535 of 2024 arising out of Chhourahi (Chhaudahi) P.S. Case No. 46 of 2024 is hereby set aside.

8. 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 Chhourahi (Chhaudahi) P.S. Case No. 46 of 2024, 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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