

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4671 of 2025

Arising Out of PS. Case No.-110 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. Mansoor Alam S/o Late Munish Mian R/o Village - Keshru Dharampur, P.S - Chandauti, District- Gaya
 2. Md. Matloob @ Mathluv S/o Mansoor Alam R/o Village - Keshru Dharampur, P.S - Chandauti, District- Gaya
 3. Makbool Alam S/o Mansoor Alam R/o Village - Keshru Dharampur, P.S - Chandauti, District- Gaya
 4. Md. Ekbal S/o Masrur Alam R/o Village - Keshru Dharampur, P.S - Chandauti, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Mosomat Kiran Devi W/o Late Naresh Mochi R/o Village - Keshru Dharampur, P.S - Chandauti, District- Gaya, State - Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rajni Kant Jha, Advocate
For the State	:	Mr. Binay Krishna, SPP
For Respondent no.2	:	Mr. Surendra Kishore Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-02-2026 Heard learned counsel for the appellants, learned
Special Public Prosecutor for the State and learned counsel for
the respondent no.2.

2. The instant appeal has been preferred against the
order dated 26.9.2025 passed in Anticipatory Bail Petition
no.256 of 2025 by the learned Exclusive Special Judge, SC/ST,
Gayaji and for grant of anticipatory bail in connection with Cri.
Complaint Case no.110 of 2023 registered under sections 323,



341, 504 and 506 of the Indian Penal Code and section 3(1)(r)(s) of the SC and ST (Prevention of Atrocities) Act, 1989.

3. As per the prosecution case, the complainant states that while she was going to deposit a sum of Rs.5500/- in her bank account, the accused persons including the appellants herein abused her in the name of her caste.

4. Learned counsel for the appellants submits that the appellants have been falsely implicated in the case because of political rivalry between the parties. There are pending cases between the parties wherein the appellants have been enlarged on bail. The allegations are general and omnibus in nature. No offence under the SC & ST Act is made out against the appellants and further the prosecution case is falsified from the fact that cognizance has not been taken under section 379 of the Indian Penal Code. Thus the learned trial Court has disbelieved the prosecution case. Learned counsel for the appellant has lastly relied on the judgment of the Hon'ble Supreme Court dated 5.11.2020 passed in Cr. Appeal no. 707 of 2020 (Hitesh Verma vs. The State of Uttarakhand and Anr.). The appellants undertake to cooperate in the case.

5. The appeal is opposed by learned Special Public Prosecutor for the State and learned counsel for the



complainant. Learned counsel for the complainant referring to the allegations levelled in the complaint and specially paragraph no. 7 thereof submits that the instant appeal praying for anticipatory bail in the case under the SC & ST Act is not maintainable. Further learned Special Public Prosecutor appearing for the State submits that the appeal is not maintainable also for the reason that cognizance has been taken under the SC & ST Act.

6. Having heard learned counsel for the parties and taking into consideration the contents of the complaint petition together with the submissions made as noted herein above, in the opinion of the Court, the prayer for anticipatory bail in the case under the SC & ST Act is not maintainable and as such, the appeal is dismissed.

(Partha Sarthy, J)

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