

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5746 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- SC/ST District- Vaishali

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1. Abhinit Kumar @ Aminit Kumar S/O Late Jitendra Singh R/O Vill.- Ramdouli, P.S.- Bidupur, Dist.- Vaishali.
 2. Dipu Kumar @ Tej Pratap S/O Umesh Singh R/O Vill.- Ramdouli, P.S.- Bidupur, Dist.- Vaishali.
 3. Sanni Kumar @ Rohit Raj S/O Dharmnath Singh R/O Vill.- Ramdouli, P.S.- Bidupur, Dist.- Vaishali.
 4. Jyoti Kumar Singh S/O Arun Kumar Singh R/O Vill.- Barathi, P.S.- Rajapakar, Dist.- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. Purushottam Narayan S/O Sri Uttam Ram R/O Vill.- Jalim Paswan Chauitha, Hajipur P.S.- Mahua, Dist.- Vaishali.

... .. Respondent/s

Appearance :

For the Appellants	:	Ms. Rashmi Jha, Advocate Mr. Abhishek Kumar, Advocate
For the State	:	Ms. Usha Kumari 1, Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-07-2026 Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite valid service of notice, no body appears on behalf of the informant/Respondent No. 2.

3. This appeal has been filed for setting aside order dated 25.11.2024 passed in a case registered for the offence punishable under Sections 126(2), 115(2), 132, 303(2), 352,



351(2-3), 324(2-6) and 3(5) of the B.N.S. and Sections 3(1)(r) (s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for grant of anticipatory bail of these appellants has been rejected.

4. As per prosecution case, informant, who is Assistant Godown Manager of State Food Corporation, alleged that on 09.09.2024 at about 10 AM, when he was going to his Godown, in the meantime, all these accused-appellants, along with 4 to 5 unknown accused persons, stopped his vehicle, took him out of the vehicle, abused him by caste name and threatened him of dire consequences if he stops them from stealing goods. The accused persons also snatched gold chain and demanded extortion of Rs. 1,00,000/- monthly. It is further alleged that on the same day, at about 3:30 PM, when the informant went to attend a meeting, all these accused persons, along with 40 to 50 unknown people, abused him with caste based slurs and assaulted him with fists and slaps.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. The present F.I.R. has been lodged after inordinate delay of two days and there is no plausible explanation for the same which itself makes the entire



prosecution case doubtful. As a matter of fact, Appellant Nos. 1, 2 and 3 are representatives of the transporter union and Appellant No. 4 is the Parivahan Abhikarta and on 28.08.2024 and 10.09.2024, these appellants made a complaint before the District Manager, State Food Corporation, Hajipur, Vaishali and District Magistrate, Hajipur, Vaishali against the informant for misappropriation of subsidized food grains and on the basis of the said complaint, an enquiry was set up by the Chief Manager, State Food Corporation, Patna vide Letter No. 6954 dated 28.08.2024 and Letter No. 8641 dated 22.10.2024 against the informant and in retaliation, this false and concocted case has been lodged. Allegation of assault and abuse by caste name is general and omnibus and no specific accusation of overt act has levelled against these appellants. Rest of the allegations are ornamental in order to make the case grave. It is further submitted that it is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.



7. Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the appellants, this appeal is allowed and the impugned order dated 25.11.2024 passed by the learned Exclusive Special Judge, S.C./S.T. (POA) Act, Vaishali at Hajipur in connection with A.B.P. No. 2780 of 2024 arising out of Hajipur SC/ST P.S. Case No. 34 of 2024 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, S.C./S.T. (POA) Act, Vaishali at Hajipur in connection with Hajipur SC/ST P.S. Case No. 34 of 2024.

(Prabhat Kumar Singh, J)

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