

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1964 of 2019

Arising Out of PS. Case No.-395 Year-2018 Thana- TAJPUR District- Samastipur

1. RAM SAKAL RAY Son of Late Sone Lal Ray Resident of Village - Kasbe Aahar, Ward No.9/10, P.S.- Tajpur, Dist.- Samastipur.
2. Fakira Ray Son of Late Jaglal Ray Resident of Village - Kasbe Aahar, Ward No.9/10, P.S.- Tajpur, Dist.- Samastipur.
3. Ratnesh Ray Son of Chandeshwar Ray Resident of Village - Kasbe Aahar, Ward No.9/10, P.S.- Tajpur, Dist.- Samastipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjeet Choubey
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 09-07-2019 Learned counsel for the appellants seeks permission to withdraw the present appeal on behalf of the appellant No.3 Ratnesh Ray submitting that the aforesaid appellant has been arrested during the pendency of this case.

Permission is granted.

Accordingly, the present appeal arising out of Tajpur P.S. Case No. 395 of 2018 is hereby dismissed as withdrawn against the aforesaid appellant.

Heard learned counsel for the appellants appearing on behalf of the appellant No. 1 Ram Sakal Ray and appellant No. 2 Fakira Ray and learned Spl. P.P. for the State and learned



counsel for the informant.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 30.03.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Samastipur in connection with Tajpur P.S. Case No. 395 of 2018, registered under Sections 34, 341, 379, 385, 504 & 506 of the Indian Penal Code and also under Section 3 (1) (r) & 3 (1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Nine accused persons including appellants are said to have arrived at the house of the informant and slated her in the name of his caste and entered into scuffle with the informant and her husband and demanded extortion of ten per cent of profit for carrying out the work of boring in the village.

It is submitted by the learned counsel for the appellants that no such occurrence as alleged ever took place. They have been no concern with the aforesaid occurrence. They have been falsely implicated in this case due to dirty village politics. No one sustained injury in the occurrence. Moreover,



allegation of slating the informant in the name of her caste is general and omnibus and is said to have been made by the appellants in the house of the informant not in a public view, hence no offence under SC/ST Act is made out against the appellants. They have no criminal antecedent.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants Ram Sakal Ray and Fakira Ray are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST), Samastipur in connection with Tajpur P.S. Case No. 395 of 2018, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the present appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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