

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2733 of 2019**

Arising Out of PS. Case No.-73 Year-2017 Thana- KHANPURA District- Samastipur

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Ramashish Ray Son of Late Tulsi Ray Resident of Village- Siripur Gahar,
P.S.- Khanpur, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Raja Ram Mishra
For the Respondent/s : Mr. Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

5 17-09-2019 Heard learned counsel for the appellant and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer of anticipatory bail
vide order dated 07.06.2019 passed by learned 1st A.D.J.
Samastipur in Khanpur P.S. Case No. 73 of 2017 registered
under Sections 323, 341, 420/34 of the Indian Penal Code and
Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

To materialize the compromise between the
informant and the co-accused Mahendra Ram in the case lodged
by the said accused against the son of the informant, both parties



deposited Rs. 50,000/- each with the appellant Ramashish Ray. Subsequently, the appellant returned money to the accused Arun Ram, and on learning the same, when the informant arrived at the door of the appellant to demand his money, they were not ready to return his entire amount, and on insistence by the informant, on exhortation of co-accused Nawal Kishore Rai, all the accused persons slated him in the name of his caste and slapped him and obtained his signature on two blank papers while co-accused Arun Ram and Mahendra Ram pissed on his person and then they made him to leave their house.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. On consensu of the parties, Rs. 50,000/- was deposited by the informant with the appellant and the appellant is ready to return back the said money to him. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Said slating is said to have been made at the door of the appellant and not in the public view, hence, no offence under SC/ST Act is made out against the appellant. Informant has not sustained any injury in the occurrence. Appellant has no criminal antecedent. Co-accused Suresh Sahni @ Suresh Kumar has been enlarged on anticipatory bail by a co-ordinate Bench of



this Court vide order dated 07.03.2019 passed in Cr. Appeal (SJ) No. 801 of 2019.

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

In the facts and circumstances of the case, let the above named appellant be released on **provisional bail**, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st A.D.J. Samastipur in connection with Khanpur P.S. Case No. 73 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Appellant is directed to return the aforesaid money to the informant through demand draft before the learned lower court within four weeks from today, and on payment of the aforesaid amount, the learned court below shall be at liberty to confirm the provisional bail of the appellant.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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