

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4530 of 2019**

Arising Out of PS. Case No.-216 Year-2019 Thana- TAJPUR District- Samastipur

1. RAJ KUMAR RAY @ RAJU KUMAR Son of Ashok Ray Resident of Village- Banwaripur Karnail, P.S.- Tajpur Halai, O.P. Tajpur, District- Samastipur.
2. Nitish Kumar Son of Sri Umashankar Ray Resident of Village- Bajitpur Myari, P.S.- Sarairanjan, District- Samastipur.
3. Vijay Kumar Ray Son of Ram Juloom Ray Resident of Village- Bajitpur Kamail, P.S.- Tajpur Halsi, O.P. Tajpur, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raj Shekhar

For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

3 16-12-2019 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail by order dated 05.09.2019 in ABP No.2052 of 2019 in connection with Tajpur (Halsi O.P.) P.S.Case No.216 of 2019 by the learned Ist Additional Sessions Judge, Samastipur under Sections 147, 148, 149, 307, 323, 341, 342, 353, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s), 3 (2) (va) of SC/ST Act.

According to FIR, due to death of a person in a road accident, a mob of about 100 to 150 persons had blocked the



road. When the informant a Sub-Inspector of police along with policemen went to remove the obstruction, the mob abused to the informant by taking caste name. Further allegation is that the mob committed wrongful confinement of the informant.

Submission is that the allegation is general and omnibus against a big mob and the appellants and others were identified as member of the mob and no specific overt-act is there, hence, this is a fit case for grant of anticipatory bail.

Let the above named appellants, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and this



appeal stands allowed.

(Birendra Kumar, J)

B.Kr./-

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