

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.7 of 2020

Arising Out of PS. Case No.-321 Year-2019 Thana- KHAIRA District- Saran

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ABHISHEK RAY Son of Gopal Ray Resident of Village- Nagara Baswariya
Tola, P.S.- Khira (Nagara), District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sudama Kumar
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Heard the parties.

The matter relates to grant of anticipatory bail to the
appellant in connection with Khaira Nagra O.P. P.S. Case No.
321 of 2019 registered for the offences under Sections 341, 323,
307, 379, 354(B), 504, 506 & 34 of the Indian Penal Code and
Sections 3(i)(R)(x) of the SC/ST Act.

Allegedly, the appellant caught hold of hand of
informant’s sister and abused him calling his caste name.

It has been submitted on behalf of the appellant that
the appellant has got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the appellants. The appellant has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner. The specific allegation is against co-accused Gopal Rai and Niranjana Rai. There is case and counter case between the parties. The alleged occurrence has not taken place within public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 07-12-2019 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Saran in Khairanagar O.P. P.S. Case No. 321 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellant, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Saran in connection with



Khaira Nagra O.P. P.S. Case No. 321 of 2019.

(Sudhir Singh, J)

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