

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1973 of 2020**

Arising Out of PS. Case No.-278 Year-2019 Thana- BIBHUTIPUR District- Samastipur

1. SURENDRA RAY Son of Dani Ray
2. Ankush Ray Son of Surendra Ray  
Both Resident of Village - Kalyanpur Gardh, P.S.- Bibhurtipur,  
Distt.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr.Surya Narayan Roy

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      18-12-2020                      Heard learned counsel for the appellants and learned  
Special P.P. for the State through video conferencing.

The present appeal has been filed against the order dated 14.08.2020 passed by learned 1st Additional Sessions Judge, cum Special Judge SC/ST Act, Samastipur in connection with Bibhutipur P.S. Case No. 278/2019 registered for the offences punishable under Sections 448/341/323/307/379/504/34 of the Indian Penal Code and Sections 3(1)(r)(s)(w) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, on 01.11.2019 at 10:30



P.M., while the informant was preparing *prasad* for Chhatt Puja, it is alleged that all the named accused persons including these appellants entered into the house of the informant and assaulted him with *Lathi* and *Danda* and abused by caste name.

It is submitted that there is general and omnibus allegation and no such occurrence has taken place and no one has sustained injury. It is further submitted that both the parties are neighbours and the appellants have clean antecedents as stated in paragraph No. 3 of the petition.

Considering the aforesaid facts and circumstances as well as nature of allegation, the impugned order dated 14.08.2020 passed by learned 1st Additional Sessions Judge, cum Special Judge SC/ST Act, Samastipur in connection with Bibhutipur P.S. Case No. 278/2019 is set aside and appeal is allowed.

Accordingly, let the appellants, above named, in the event of arrest or 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 1st Additional Sessions Judge, cum Special Judge SC/ST Act, Samastipur in connection with



Bibhutipur P.S. Case No. 278/2019.

**(Prabhat Kumar Singh, J)**

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