

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1130 of 2021**

Arising Out of PS. Case No.-75 Year-2020 Thana- DORIGANJ District- Saran

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1. AKHILESH PRASAD RAY @ AKHILESH RAY Son of Late Sachhan Ray
Resident of Village - Dumri Sanichara Tola, P.S.- Doriganj, Dist.- Saran.
 2. Nand Lal Rai @ Sanny Kumar Ray Son of Ram Jaypal Ray Resident of
Village - Dumri Sanichara Tola, P.S.- Doriganj, Dist.- Saran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Harshvardhan Shivsundaram, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 28-10-2021 At the outset, learned counsel for the appellants submits that the appellant no. 1, Akhilesh Prasad Ray @ Akhilesh Ray has been arrested during the pendency of the application. As such, the application against him has become infructuous.

Accordingly, the application as against appellant no. 1, namely, Akhilesh Prasad Ray @ Akhilesh Ray has been rendered infructuous.

Heard learned counsel for the appellants and the learned Spl. P.P. for the State.

This appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is filed against the order dated 05.12.2020 passed in ABP



No. 1834 of 2020 whereby and whereunder the learned 1st Additional Sessions Judge cum Special Judge, SC/ST (POA) Act, Saran at Chapra rejected the prayer of pre-arrest bail of the appellants in connection with Dooriganj P.S. Case No. 75 of 2020 registered under Sections 341, 323, 324 and 504/34 of the Indian Penal Code and Sections 3(1)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the appellants submits that the appellants have falsely been implicated in this case due to village politics. It is further submitted that the specific allegation is against co-accused, namely, Mukesh Rai and Prakash Chaurasia and not against these appellants. It is further submitted that there is case and counter case between the parties. It is further submitted that no case is made out under the provisions of the SC/St Act. The appellants have no criminal antecedent.

Having considered the facts and circumstances of the case, the impugned order dated 05.12.2020 is set aside and this appeal is allowed.

Let the appellant no.2, above named, be released on bail, in the event of his/their 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 the learned 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Saran at Chapra in connection with Dooriganj P.S. Case No. 75 of 2020.

(Sunil Kumar Panwar, J)

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