

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1500 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- KOPA District- Saran

1. PRABHU RAI Son of Vishwanath Rai Resident of Village- Patila Ke Tola, P.S.- Kopa, District- Saran.
2. Chhatu Rai @ Chhatu Yadav Son of Dasai Rai Resident of Village- Patila Ke Tola, P.S.- Kopa, District- Saran.
3. Akhilesh Rai @ Akhileshwar Yadav Son of Dharmnath Rai Resident of Village- Patila Ke Tola, P.S.- Kopa, District- Saran.
4. Dharmendra Sah @ Dharmendra Kumar Sah Son of Raj Kumar Sah Resident of Village- Patila Ke Tola, P.S.- Kopa, District- Saran.
5. Chandan Kumar Rai @ Chandan Kumar Yadav Son of Rameshwar Rai Resident of Village- Patila Ke Tola, P.S.- Kopa, District- Saran.
6. Parmeshwar Rai @ Parmeshwar Yadav Son of Seoji Rai Resident of Village- Patila Ke Tola, P.S.- Kopa, District- Saran.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mrityunjay Kumar Tiwary, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P. Mr.Rakesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-11-2021 Heard the parties.

Learned counsel for the appellants is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

At the very outset, learned counsel for the appellants seeks permission to withdraw the prayer for anticipatory bail of the appellant no.1, as he has already been arrested.



Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant appeal, on behalf of the appellant no.1 is dismissed as infructuous.

Now, the present appeal is being heard on the prayer of grant of anticipatory bail of appellant nos.2 to 6.

This is an appeal under section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 19-10-2020, passed by learned First Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran, in connection with Kopa P.S. Case No.128 of 2020, registered under sections 147, 148, 149, 341, 323, 324, 307, 504, 34 of the IPC and sections 3 (1) (x) (r) (s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case in brief, is that the appellant no.2, obstructed the informant near his house and started abusing by caste name. In the meantime, other accused persons including the appellants came there with various arms and assaulted the informant due to which blood started oozing out from the head of the informant. When the neighbours came for rescue, he was



also assaulted. It is alleged that informant's brother was also assaulted. On alarm, nearby people assembled there and the injured were brought to hospital for treatment.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. The appellants have no concern with the aforesaid occurrence and have been falsely implicated in the case. There is a case and counter-case between the parties. The appellant no.2 has first filed Kopa P.S. Case No.129 of 2020, against the informant of the present case and his relatives and they have already been granted the privilege of anticipatory bail. There is a free fight between the parties, in which both sides have sustained injuries. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. No offence under SC/ST Act is made out against the appellants. The accusation does not constitute any offence under SC/ST Act is made out inasmuch as there is no allegation that alleged occurrence has taken place in public view. The appellants have no criminal antecedent.

Learned Spl. PP for the State and learned counsel for the Informant have opposed the prayer for bail on the ground that offence is made out against the appellants and the informant has



sustained injury no.1 as grievous in nature and injury no.2 and 3 as simple in nature.

In the facts and circumstances of the case, since the appellants of the counter-case have been granted anticipatory bail, the above named appellant nos.2 to 6 are granted the privilege of anticipatory bail and in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned First Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran, in connection with Kopa P.S. Case No.128 of 2020, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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