

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1112 of 2020

Arising Out of PS. Case No.-325 Year-2019 Thana- SONEPUR District- Saran

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ABHISHEK RAY Son of Minta Ray @ Mantu Ray Resident of Village -
Ismail chak, P.S.- Sonepur, Distt.- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Nawal Kishore Singh

For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 20-02-2021 Heard the parties.

Learned counsel for the appellant is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The matter relates to grant of anticipatory bail to the appellant in connection with Sonepur P.S. Case No. 325 of 2019 registered for the offences under Sections 341, 323, 325, 307, 354(B), 504, 506/34 of the Indian Penal Code and Sections 3(1) (r)(w) of the SC/ST Act.

Allegedly, during taking meal, the accused persons having armed with weapon came at the door of the informant and taking his caste name, started assaulting him. The informant and his family members sustained injuries due to assault.

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 appellant. The appellant has falsely been implicated in the present case. General and omnibus allegation has been made against the appellant. No specific overt act is alleged against the appellant. The specific allegation of assault is against co-accused. There is case and counter case between the parties. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place within the 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 23-01-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, SC/ST Act, Saran at Chapra in Sonapur P.S. Case No. 325 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 eight 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 at Chapra in connection with Sonapur P.S. Case No. 325 of 2019.

(Sudhir Singh, J)

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