

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2561 of 2021**

Arising Out of PS. Case No.-581 Year-2020 Thana- MASHRAK District- Saran

1. Chandan Kumar Ray, Son Of Suresh Ray Resident Of Village - Sardarganj P.S. Mashrak, District - Saran.
2. Rakesh Kumar Ray Son Of Bali Ray Resident Of Village - Sardarganj P.S. Mashrak, District - Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 20-07-2021 Heard Mr. Mukesh Kumar Singh, the learned Advocate for the appellants and Mr. Binay Krishna, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 26.02.2021 passed by the learned 1st Additional Sessions Judge/ Special Judge, SC/ST (P.O.A.) Act, Saran at Chapra in connection with Mashrakh P. S. Case No.581 of 2020, instituted for the offences under Sections 341, 323, 379, 427/ 34 of the Indian Penal Code and Section 3(1)(r), 2(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.



The appellants are alleged to have assaulted the informant and also damaged his vehicle.

The learned Advocate for the appellants has submitted that because of the children of the appellants having pilfered stone chips and sand and having thrown the same in a canal nearby causing pecuniary damages to the informant, that the present case has been filed.

Nobody appears to have been injured in the occurrence and the accusation under the SC/ST (P.O.A.) Act is absolutely unwarranted.

For the facts afore-stated, the order dated 26.02.2021, referred to above, is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge/ Special Judge, SC/ST (P.O.A.) Act, Saran, Chapra in connection with Mashrakh P. S. Case



No.581 of 2020, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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