

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.744 of 2021**

Arising Out of PS. Case No.-336 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

VINAY RAI @ RAM VINAY RAI Son of Late Ram Dev Rai @ Rajdev Rai
Resident of Village - Hardia @ Hardiya, P.S. - Runnisaidpur, Dist. -
Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Santosh Kumar- Advocate
For the Informant	:	Ms. Kumari Sujata Sinha- Advocate
For the Respondent/s	:	Mr. Sadanand Paswan- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-08-2021 Heard Mr. Santosh Kumar, the learned Advocate for
the appellant, Ms. Kumari Sujata Sinha, the learned Advocate
for the informant and Mr. Sadanand Paswan, the learned Special
Public Prosecutor for the State.

The appellant has challenged the order dated
22.08.2020 passed by the learned 1st Additional Sessions
Judge-cum-Special Judge (SC/ST Act), Sitamarhi in
connection with Runnisaidpur P. S. Case No.336 of 2019,
instituted for the offences under Sections 341, 323, 504, 506
of the Indian Penal Code and Section 3(i)(r)(s)(w) of the
Scheduled Castes & Scheduled Tribes (Prevention of
Atrocities) Act, 1989, whereby their prayer for grant of
anticipatory bail has been rejected.



The accusation against the appellant and others is of having obstructed the way for the informant and others and when it was brought to the notice of the appellant, he retaliated by abusing and assaulting the informant as well as the other members of the prosecution party.

The learned Advocate for the appellant has submitted that this case has been lodged with accusation under the SC/ST (P.O.A.) Act only for the purposes of wreaking vengeance on the appellant. Whatever obstruction had been caused inadvertently has now been consciously removed.

The learned Advocate for the appellant has submitted that he shall ensure that no such obstruction is put on the road in future and such occurrence shall not be repeated.

Regard being had to the nature of accusation, the order dated 22.08.2020 is set-aside.

The appeal stands allowed.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi in connection with Runnisaipur P. S. Case No.336 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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