

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2292 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- SC/ST District- Samastipur

1. MANOJ KUMAR YADAV Son of Brahman Ray Resident of Village- Kaua.
2. Premshila Devi Wife of Manoj Kumar Yadav Resident of Village- Kaua.
3. Akhileshwar Kumar Rai @ Akhileshwar Rai Son of Gajendra Rai Resident of Village- Kaua.
4. Mithilesh Rai @ Krishna Kumar Son of Gajendra Rai Resident of Village- Kaua.
5. Ram Uday Rai @ Udesb Kumar Yadav Son of Gajendra Rai Resident of Village- Kaua.
6. Raj Kumar Choudhary Son of Akhileshwar Choudhary Resident of Village- Kaua.
7. Manoj Kumar Sah @ Manoj Sah Son of Nanhki Sah Resident of Village- Kaua.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Harish chandra das Son of Late Gyan chand das Resident of Kaua,P.O-Jorpur,P.S-Tajpur(Halai O.P) District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Surya Narayan Roy, Adv.
For the Respondent/s : Mr.Usha Kumari 1, Sp.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-12-2022 Heard the parties.

This is an appeal under section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 18.06.2022, passed by learned Special Judge S.C./S.T. (POA) Act, Samastipur, in connection with Samastipur S.C./S.T. P.S. Case No. 31 of 2022 registered under sections 147, 149, 341, 323, 504, 506 of IPC and 3(1)(r)(s)/3(2)(va) S.C./S.T. Act.

Allegedly, appellants came to informant and started abusing



him by saying “Dusadwa Harijanwa” and on objection, they started to assault the informant by fist and feet.

Learned Counsel for the appellants submits that appellants are innocent and have been falsely implicated in the present case due to ulterior motive. No such occurrence as alleged has ever taken place. There is general and omnibus allegation against the appellants. There is delay in lodging the FIR due to which creates a serious doubt in prosecution story. He further submits that there is no specific overt act against the appellants to abuse the informant by taking the caste name. Appellants have no criminal antecedent.

Learned Spl.PP for the State and learned counsel for respondent no.2 opposed the prayer for bail and submit that there is specific allegation against all the appellants to abuse the informant by taking caste name.

Having regard to the facts and circumstances of the case, since there is allegation against the appellant to abuse the informant by taking caste name, I am not inclined to enlarge the appellants on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

The appeal is accordingly dismissed.

(Anjani Kumar Sharan, J)

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