

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3815 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- AWTARNAGAR District- Saran

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1. BRAJENDRA YADAV Son of Lakshman Rai Resident of the village - Maujampur, P.O.- Naraon, P.S.- Awatar Nagar and the District - Saran.
 2. Jai Nath Rai Son of Late Bharat Rai Resident of the village - Maujampur, P.O.- Naraon, P.S.- Awatar Nagar and the District - Saran.
 3. Dilip Rai @ Vinay Kumar Son of Satyendra Rai Resident of the village - Maujampur, P.O.- Naraon, P.S.- Awatar Nagar and the District - Saran.
 4. Amrendra Kumar Yadav Son of Lakshman Rai Resident of the village - Maujampur, P.O.- Naraon, P.S.- Awatar Nagar and the District - Saran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajesh Sharma Son of Keshav Sharma R/o vill- Maujampur, P.S.- Awatar Nagar, P.O.- Naraon Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Shiv Shankar Prasad Yadav
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 23-11-2022 Learned counsel for the appellants seeks permission to withdraw this anticipatory bail appeal with respect to appellant No. 2.

Permission is granted.

Accordingly, this anticipatory bail appeal for appellant No. 2, Jai Nath Rai, is dismissed as withdrawn.

Heard learned counsel appearing on behalf of appellant Nos. 1, 3 and 4, informant and Spl.P.P.

This appeal has been against the order dated



24.01.2021 passed by Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Awatar Nagar P.S. Case No. 37 of 2021, registered under Sections 504, 379 and other allied sections of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act, whereby the prayer for anticipatory bail of appellants has been rejected.

As per FIR, informant alleges that appellants along with other accused persons armed with lathi, danda entered the house of the informant and abused and assaulted him by calling his caste name.

It is submitted on behalf of appellants that, they have been falsely implicated in this case. Injuries sustained by the injured are simple in nature. There is case and counter case. The victim does not belong to SC/ST category and as such no offence under Section 3(1)(r)(s) of SC/ST Act is made out against these appellants. Appellants have got clean antecedent.

Learned counsel for the informant vehemently opposes the prayer for pre-arrest bail application.

Considering the facts and circumstances of the case, let appellant Nos. 1, 3 and 4, as named above, in the event of their arrest/surrender within a period of six weeks from today,



be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Saran at Chapra in connection with Awatar Nagar P.S. Case No. 37 of 2021.

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

(Prabhat Kumar Singh, J)

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