

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.589 of 2021**

Arising Out of PS. Case No.-45 Year-2020 Thana- MATIHANI District- Begusarai

Vikash Ray S/O Amresh Ray Village - Chakballi Diyara, Ps - Matihani,
District- Begusarai.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Satish Paswan S/O Baleshwar Paswan Resident Of Village- Chakballi
Diyara, P.S.- Matihani, Dist- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Sumiran Rai
For the Respondent/s : Mr. Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 29-09-2022 Learned counsel for the appellant has filed the supplementary affidavit today in the Court. Let it be kept on record.

Heard learned counsel for the appellant and learned Special Public Prosecutor for the State. Though the notice has been received by the son of the respondent no. 2 but nobody appears on his behalf.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 14.10.2020, passed by learned Special Judge, SC/ST (POA) Act, Begusarai in connection with Matihani P.S. Case No. 45 of 2020, registered



under Sections 147, 148, 149, 504, 506 and 307 of the IPC, Sections 25(1-b)a, 26 and 27 of the Arms Act and Sections 3(i) (r) (c), 3(2)(v)(a) of SC/ST Act.

It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case due to land dispute. He submits that there is general and omnibus allegation levelled against the appellant. He submits that there is no specific allegation against the appellant to abuse the informant by taking caste name. He also relied upon the judgment passed in the case of **Hitesh Verma Vs. State of Uttarakhand**, reported in **2020(10) SCC 710**. He further submits that appellant has one criminal antecedent as stated in para-3 of this appeal.

Considering the facts and circumstances of the case and the fact that the said occurrence took place inside the house of the informant, let the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, Begusarai in connection with Matihani P.S. Case No. 45 of



2020, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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