

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4158 of 2021

Arising Out of PS. Case No.-92 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

1. BHUNESHWAR RAI @ RAM DAS RAI Son of Kusheshwar Rai Resident of Village - Maniyarpur, P.s.- Ghatho, Distt.- Samastipur.
2. Pawan Rai Son of Late Ramashray Rai Resident of Village - Maniyarpur, P.s.- Ghatho, Distt.- Samastipur.
3. Rudal Rai Son of Late Ramashray Rai Resident of Village - Maniyarpur, P.s.- Ghatho, Distt.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Saroj Kumar Sharma, Advocate
For the Respondent/s : Mr. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 30-06-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present appeal is directed against the order dated 10.09.2021 passed by learned Ist Additional Sessions Judge, Samastipur (SC/ST) Act, Samastipur in a case registered for the offence punishable under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Sections 3(I)(r)(s)/3(2)(va) of the SC/ST Act, whereby anticipatory bail of the appellant has been rejected.

It is a case of assaulting and abusing by way of indicating caste name of the informant.

It is submitted by learned counsel for the appellants that incident as alleged did not occur in public view, hence, the informant was not insulted in public domain and there is general and omnibus allegation against the appellant. He further submits



that the place of occurrence is the house of the informant which does not come within the purview of public view, hence, no offence under Section SC/ST is attracted against the appellant.

Learned counsel for the State on the other hand opposes the prayer for anticipatory bail.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal, Accordingly, the appeal is allowed and the impugned order dated 10.09.2021 passed in A.B.P. No. 2073 of 2021 is hereby set aside.

The appellants are directed to be enlarged on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge, Samastipur in connection with SC/ST Act in Vidyapatinager P.S. Case No. 92 of 2021.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

U		T	
---	--	---	--

