

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4584 of 2021

Arising Out of PS. Case No.-236 Year-2021 Thana- KALYANPUR District- Samastipur

RAMNATH RAI @ RAMNATH RAY Son of Lalu Prasad Ray Resident of
Village- Muktapur, P.S.- Kalyanpur, District- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Uma Shankar Ram Son of Late Shayam Bihari Ram Resident of Village-
Khurd Goura, P.S.- Mohaniya, District- Kaimur (Bhabhua), at present posted
as A.S.I. of Kalyanpur Police Station under District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar, Adv

For the Respondent/s : Mrs. Usha Kumari 1, Spl.P.P

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-07-2022 Heard the parties.

The F.I.R. has been lodged by a police officer, who is represented by the learned Spl.P.P. for the State, as such no notice is required to be issued upon the respondent no.2.

Learned counsel for the appellant undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

This is an appeal under section 14 (A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 30.09.2021, passed by learned 1st Additional



Sessions Judge, Samastipur in connection with Kalyanpur P.S. Case No. 236 of 2021, registered under sections 147, 148, 149, 341, 342, 307, 353, 224, 225, 393, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act, Section 45 of the Bihar Prohibition and Excise Amendment Act, 2016 and 3 (i) (r) (s)/3 (2) (Va) SC/ST (Prevention of Atrocities) Act, 1989.

Allegedly, the police to pacify a controversy between two parties, proceeded for Moktapur Juet Mill and when they reached the house of one Devan Rai, from a vehicle, the driver tried to run away but he was apprehended and one accused fled away. On search of the vehicle, one bottle of 750 ML of foreign liquor is said to have been recovered. In the meantime, 100-150 persons gathered there and attacked the police party and fired from pistol. They attempted to snatch arms from the informant's side/police officials. It is further alleged that they abused the informant by taking caste name. Allegedly, the appellant was made to fly away from the place of occurrence by the mob.

Learned counsel for the appellant submits that appellant is quite innocent and has not committed any offence as alleged in the FIR. Appellant has been falsely implicated in this case at the instance of his enemies. Appellant has neither been apprehended on the spot nor any incriminating article has been recovered



from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. It is further submitted that the allegation of abuse has been deliberately added in the written application to make a serious nature of offence. It is submitted that no offence under the SC/ST Act is made out against the appellant as there is no specific allegation against him to abuse or assault the informant. In fact, on the alleged date of occurrence, he was not present at the spot. Appellant has no criminal antecedent, as also mentioned in para-3 of the memo of the appeal.

Appellant is agreed to deposit a sum of Rs. 5,000.00/- (Rupees Five Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the appellant, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Samastipur in connection with



Kalyanpur P.S. Case No. 236 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:-

(1) That one of the bailors will be a close relative of the appellant, who will give an affidavit giving genealogy as to how he is related with the appellant. He will also undertake to inform the Court if there is any change in the address of the appellant.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the appellant is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the appellant shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00/- (Rupees Five Thousand) in the Patna High Court Legal Services Committee.

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

(Anjani Kumar Sharan, J)

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