

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3400 of 2022**

Arising Out of PS. Case No.-3 Year-2020 Thana- SC/ST District- Vaishali

1. Mahesh Rai Son of Late Rajendra Rai Resident of Village - Bhanpur Bareba, Police Station - Goraul, District - Vaishali.
2. Naresh Rai Son of Late Rajendra Rai Resident of Village - Bhanpur Bareba, Police Station - Goraul, District - Vaishali.
3. Mithun Rai @ Mithun Kumar Son of Mahesh Rai Resident of Village - Bhanpur Bareba, Police Station - Goraul, District - Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjan Kumar Singh
For the Respondent/s	:	Mr. Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 03-11-2022 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 24.05.2022 passed by learned Special Judge, SC/ST, Vaishali at Hajipur in ABP No. 1445 of 2022 whereby the prayer for bail of the appellants in connection with SC/ST P.S. Case no. 03 of 2020 under Section 341, 323, 354, 379, 504, 34 of the Indian Penal Code and sections 3(i)(r)(s)(w)(i), 3(2)(va) of SC/ST (Prevention of Atrocities) Act was rejected.

Allegations against the appellants are of abusing by



taking the caste name of the informant, assaulting and trying to outrage her modesty.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. It is further submitted that the FIR lodged delay. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellants have not taken the caste name of the informant in public view and they had no intention to disgrace her image.

The appeal for bail is opposed by learned Spl. P.P. for the State.

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 24.05.2022 passed in A.B.P. No. 1445 of 2022 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with SC/ST P.S. Case No. 03 of 2020 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/-



(Rs. ten thousand only) each with two sureties of the like
amount each to the satisfaction of the learned Special Judge,
SC/ST, Vaishali at Hajipur.

(Sunil Kumar Panwar, J)

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