

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3370 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- MANER District- Patna

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1. Upendra Ray Son of Raman Ray @ Jogendra Ray Resident of Village- Madhopur, P.S.- Maner, District- Patna
 2. Ajay Kumar Son of Sujendra Ray @ Surendra Prasad Resident of Village- Madhopur, P.S.- Maner, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Monu Kumar Son of Arun Kumar Das Resident of Village- Madhopur, P.S.- Maner, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Mohan Singh
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-11-2022 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 23.08.2022 passed by learned Special Judge SC/ST (POA Act), Patna in connection with Maner P.S. Case No. 49 of 2022 under Sections 307, 379 and other allied sections of the Indian Penal Code and section 3(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.



As per the FIR, appellants along with co-accused persons assaulted the informant with lathi, danda and iron rod, as a result of which informant sustained head injury. It is further alleged that they also abused the informant.

It is submitted on behalf of the appellants that though there is no allegation of assault but there is no injury report on record. No specific overt act has been alleged against these appellants. There is no allegation of abuse by caste name as such no case under SC/ST Act is made out against the appellants. Appellants have got clean antecedent.

Counsel for the respondent no. 2 opposed the prayer for bail.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 23.08.2022 passed by learned Special Judge SC/ST (POA Act), Patna is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA Act), Patna in connection with Maner P.S. Case



No. 49 of 2022.

(Prabhat Kumar Singh, J)

vinita/-

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