

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.435 of 2023

Arising Out of PS. Case No.-23 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

Shatrudhan Ray Son Of Maheshwar Rai R/O Magardahi Kharidabad, P.S.-
Muffasil Samastipur, District- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Arvind Kumar Son Of Late Devki Ray R/O Village- Musapur, Ward No.6,
P.S.- Muffasil Samastipur, District- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhay Shankar Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl. PP for the State, in compliance of
order dated 21.06.2023, informed the informant/complainant.
Nobody appeared on behalf of the informant/complainant.

3. This is an appeal under Section 14 A (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
SC/ST Act), against the refusal of prayer of anticipatory bail
vide order dated 03.11.2022 passed by learned Special Judge
SC/ST (POA) Act, Samastipur, in connection with Muffasil P.S.
Case No. 23 of 2022 registered under Sections 341, 323, 385,
387, 504, 506 and 34 of the Indian Penal Code and Section 3(i)



(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act.

4. Allegedly, appellant along with other accused person is said to have assaulted the informant side by leg and fist. They also demanded rangdari from the informant and threatened the informant to kill him.

5. Learned counsel for the appellant submits that the appellant has not concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of his caste hence, no offence under Section SC/ST Act is made out against the appellant. There is no specific overt act against the appellant. Similarly situated co-accused have been granted anticipatory bail by this Court vide order dated 22.02.2023 passed in Cr. Appeal (SJ) No. 1834 of 2022. Appellant has three criminal antecedents as mentioned in para-3 of memo of the appeal.

6. Learned Spl. PP for the State opposes payer for anticipatory bail.

7. Considering the facts and circumstances of the case, 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 learned Special Judge SC/ST (POA) Act, Samastipur, in connection with Muffasil P.S. Case No. 23 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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