

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.281 of 2023

Arising Out of PS. Case No.-1007 Year-2022 Thana- DANAPUR District- Patna

Raju Rai @ Kaju Rai @ Raju Kumar Yadav S/O Late Bindeshwar Rai @
Bindeshwari Rai R/V- Dhobi Tola, P.S.- Danapur, District- Patna

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ghanshyam Tiwary
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-03-2023 Heard learned counsel for the appellant and

learned Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 12.12.2022 passed by learned Special Judge SC/ST Act, Patna in Serial No. 303 of 2022 whereby the prayer for bail of the appellant in connection with Danapur P.S. Case no. 1007 of 2022 under Section 341, 323, 307, 504, 506, 379/34 of the Indian Penal Code and sections 3(i)(r)(s), 3(ii)(va) of SC/ST Act was rejected.

As per allegation in the FIR, while the informant was returning from his vegetable shop, five accused



persons including the appellant abused him by taking his cast name. On protest, they all assaulted the informant with lathi, danda and butt of the pistol as a result of which he sustained head injury. It is further alleged that they damaged the mobile phone of the informant and took out Rs. 12,000/- from his pocket and threatened him.

It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case. No overt act is attributed against the appellant. Informant has received two simple injuries. The occurrence was not committed in public view, hence, the provisions under SC/ST Act shall not be attracted in the case of the appellant. The appellant is accused in one other case apart from the present one. Appellant is languishing in judicial custody since 15.11.2022.

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 appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 12.12.2022 passed in Serial No. 303 of 2022 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Danapur P.S. Case No. 1007 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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