

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1378 of 2021**

Arising Out of PS. Case No.-442 Year-2019 Thana- SAKRA District- Muzaffarpur

1. RAJBALI MUKHIYA Son of Faujdar Sah Resident of Village - Baji Buzurg, P.S.- Sakra, Distt.- Muzaffarpur.
2. Ravindra Ray Son of Laldeo Ray Resident of Village - Baji Buzurg, P.S.- Sakra, Distt.- Muzaffarpur.
3. Anil Kumar Son of Laldeo Ray Resident of Village - Baji Buzurg, P.S.- Sakra, Distt.- Muzaffarpur.
4. Shivji Sah Son of Faujdar Sah Resident of Village - Baji Buzurg, P.S.- Sakra, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mrs.Rina Sinha, Adv.

For the Respondent/s : Mrs.Usha Kumari No.1, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN  
ORAL ORDER**

3      22-02-2023      Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

At the outset, learned counsel for the appellants submits that the informant belongs to '*Lohar*' caste and the Apex Court vide its judgment passed in the case ***Sunil Kumar Rai & Ors. Vs. The State of Bihar & Ors.***, passed in ***Writ Petition (Civil) No.1052 of 2021***, has not considered this caste under the SC/ST category.

Considering the judgment of ***Sunil Kumar (supra)***, no notice is required to be issued upon the informant.



This is an appeal under section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015(hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated 19.11.2019, passed by learned Special Judge, SC/ST Act, Muzaffarpur, in connection with Sakra P.S. Case No.442 of 2019, registered u/s 147, 341, 323, 379, 325, 385, 504, 506 of the IPC and sections 3/4 of the SC/ST Act.

As per F.I.R., the appellants demanded extortion money from the informant and on protest, they assaulted the informant and one Satendra Mukhya.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. No such occurrence, in the manner as alleged has ever taken place. Appellants have been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellants in view of the judgment of Apex Court in the case of ***Sunil Kumar Rai (supra)***. It is further submitted that the alleged occurrence took place on 08.09.2019 but the F.I.R. was lodged on 20.09.2019 i.e. after a delay of 12 days without giving any plausible explanation, which, itself creates doubt about the prosecution



case. There is general and omnibus allegation against all the four appellants and one injury was grievous in nature. For the alleged occurrence there is case and counter-case between the parties. Appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

Considering the facts and circumstances of the case, let the appellants named above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Muzaffarpur, in connection with Sakra P.S. Case No.442 of 2019, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

**(Anjani Kumar Sharan, J)**

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