

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.613 of 2023

Arising Out of PS. Case No.-254 Year-2022 Thana- BHELDI District- Saran

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1. HARIHAR RAI S/O LATE KULDEEP RAI Resident of Village- Kuari Azam, P.S.- Bheldi, District- Saran at Chapra.
 2. SONU KUMAR SON OF PRAHLAD RAI Resident of Village- Kuari Azam, P.S.- Bheldi, District- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. JATA MANJHI S/O HITAL MANJHI Resident of Village- Panchrukhi, P.S.- Bheldi, District- Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 12-07-2023 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for **anticipatory bail** vide order dated 16.12.2022 in A.B.P. No. 3138 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saran in connection with Bheldi P.S. Case No. 254 of 2022 registered for the offences punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code as



well as Sections 3(i)(r)(s) and 3(2)(va) of the SC/ST Act.

Learned counsel for the appellants submits that the appellant No. 1 has antecedent of one case and appellant No. 3 is a person with clean antecedent. It is next submitted that the informant alleges that on 24.06.2022 at 8:30 am the informant was at his home when Harihar Rai, Ashok Rai, Santosh and Sonu came armed with lathi and danda and demanded toddy and when the informant told them that toddy is out of stock, it is alleged that Harihar Rai began to abuse him by taking his caste name and thereafter assaulted him. It is next alleged that all the accused persons assaulted the informant with lathi and danda, it is next submitted that a Panchayati was convened but the accused persons were not willing to adhere to the Panchayati.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that date of occurrence is 24.06.2022 and the FIR has been instituted on 11.07.2022 which cast an aspersion of the case of the prosecution, it is further submitted though there is an allegation of assault but then there is no injury report on record.

Learned Spl. P.P. for the State opposes the prayer for anticipatory bail of the appellants.



In view of the submissions made by the learned counsel for the appellants, the order dated 16.12.2022 in A.B.P. No. 3138 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Saran in connection with Bheldi P.S. Case No. 254 of 2022 is hereby set aside and the appellant above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bheldi P.S. Case No. 254 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Accordingly the appeal stands allowed.

(Satyavrat Verma, J)

Adnan/-

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