

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.649 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- MEHSI District- East Champaran

1. Hardev Rai Son of Sahulal Rai R/v- Bhimalpur Derwa, P.S.- Mehsi, District- East Champaran
2. Ram Karan Rai son of Nandu Rai R/v- Bhimalpur Derwa, P.S.- Mehsi, District- East Champaran
3. Sujit Rai @ Sujit Kumar son of Awadhlal Rai R/v- Bhimalpur Derwa, P.S.- Mehsi, District- East Champaran
4. Raghubindra Rai @ Raghwendra rai @ Raghwendra Kumar son of Hardev Rai R/v- Bhimalpur Derwa, P.S.- Mehsi, District- East Champaran
5. Dev Prasad Rai son of Banshilal Rai R/v- Bhimalpur Derwa, P.S.- Mehsi, District- East Champaran
6. Arun Rai son of Chiran Rai R/v- Bhimalpur Derwa, P.S.- Mehsi, District- East Champaran
7. Laxuman Rai son of Chiran Rai R/v- Bhimalpur Derwa, P.S.- Mehsi, District- East Champaran
8. Banshilal Rai @ Banti Rai @ Bantilal Rai son of Sahulal Rai R/v- Bhimalpur Derwa, P.S.- Mehsi, District- East Champaran
9. Pawan Devi wife of Hardev Rai R/v- Bhimalpur Derwa, P.S.- Mehsi, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhishek Kumar
For the Respondent/s : Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 13-12-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor.

2. Learned Spl. PP for the State, has informed that he
has complied the order dated 09.08.2023, but none is present on
behalf of the informant.



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 06.01.2023 passed by learned Special Court, SC/ST, East Champaran, in connection with Mehshi P.S. Case No. 157 of 2022 registered under Sections 147, 148, 149, 341, 323, 342, 186, 332, 333, 325, 326, 337, 338, 307, 353, 354B, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 30(a) and 45 of the Bihar Prohibition and Excise Act, 2016.

4. The informant who is police officer, on secret information, he along with other police personnel went to Bhimalpur village and when they reached near the village, they saw co-accused Nandu Rai fleeing away after throwing the Plastic Gallon and on inspection chulai liquor was seized from the plastic gallon. It is further alleged that in the meantime about 50-100 persons of the locality came there and assaulted the informant and other police personnel and also threatened the informant to kill. They also abused the accused by taking his caste name.



5. Learned counsel for the appellants submits that the appellants have 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 appellants. He submits that there is no specific overt act against the appellants. Similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 11.10.2023 passed in Cr. Appeal (SJ) No. 860 of 2023. Appellants no. 1, 4, 8 and 9 have no criminal antecedent and appellants no. 5, 6 and 7 have no criminal antecedent and appellants no. 2 and 3 have two 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 appellants, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Special Court, SC/ST, East Champaran, in connection with Mehshi P.S. Case No. 157 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/-

U		T	
---	--	---	--

