

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.884 of 2023

Arising Out of PS. Case No.-902 Year-2022 Thana- MUFFASIL District- West Champaran

1. SANJAY RAI @ SANJAY KUMAR @ SANJAY KUMAR RAI Son of Late Sachidanand Rai Resident of village - Rai Dhurwa, Ward No.- 06, Police Station - Bettiah Muffasil (Manuapool O.P.), District - West Champaran (Bettiah).
2. Shashank Kumar Rai @ Laddu Son of Sanjay Kumar Rai @ Sanjay Kumar Resident of village - Rai Dhurwa, Ward No.- 06, Police Station - Bettiah Muffasil (Manuapool O.P.), District - West Champaran (Bettiah).
3. Rajan Kumar Rai @ Ranjan Kumar Rai Son of Late Baleshwar Rai Resident of village - Rai Dhurwa, Ward No.- 06, Police Station - Bettiah Muffasil (Manuapool O.P.), District - West Champaran (Bettiah).
4. Saroj Rai @ Pushkar Kumar Rai Son of Late Baleshwar Rai Resident of village - Rai Dhurwa, Ward No.- 06, Police Station - Bettiah Muffasil (Manuapool O.P.), District - West Champaran (Bettiah).
5. Prince Kumar Rai @ Shubham Raj Son of Saroj Rai @ Pushkar Kumar Rai Resident of village - Rai Dhurwa, Ward No.- 06, Police Station - Bettiah Muffasil (Manuapool O.P.), District - West Champaran (Bettiah).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 11-07-2023 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 03.01.2023 in A.B.P. No. 3516 of 2022 passed by



the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah in connection with Bettiah Muffasil P.S. Case No. 902 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code as well as Sections 3(1)(r)(s) of the SC/ST Act.

The informant alleges that on 18.10.2022 at about 07.00 PM, he had gone to ask for his money for the work rendered as a labour when the accused persons abused him by taking his caste name and even assaulted by means of lathi and danda.

Learned counsel for the appellants submits that the appellants are persons with clean antecedent. Learned counsel for the appellants submits that the appellants have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the FIR it would manifest that the allegations are not specific rather general and omnibus in nature, it is next submitted that on intervention of well wishers the case has been compromised.

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 03.01.2023 in A.B.P. No. 3516 of 2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge S.C./S.T. (POA) Act, Bettiah in connection with Bettiah Muffasil P.S. Case No. 902 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) 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 Bettiah Muffasil P.S. Case No. 902 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)

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