

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.957 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- SAHPUR District- Patna

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SUBODH RAI @ SUBODH KUMAR Son of Devi Lal Rai Resident of
Village- Bhagvatipur, P.S.- Shahpur, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Rakesh Kumar Chaudhary Son of Late Awadhesh Prasad Resident of
Village- Bhagvatipur, P.S.- Shahpur, District- Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Anil Kumar, Advocate
For the Informant	:	Mr. Akash Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 12-07-2023 Heard learned counsel for the appellants, the State and
respondent no.2.

The present appeal is directed against the order dated
03.01.2023, passed in a case registered for the offence
punishable under Sections 341, 323, 342, 307, 504, 506, 385, 34
of the Indian Penal Code, Section 25(1-b)a/27 of the Arms Act
and Sections 3 (1) (r) (s)w(ii) of the SC/ST Act, whereby
anticipatory bail of the appellants has been rejected.



Prosecution case, in brief, is that this appellant along with other accused persons assaulted the informant. It is further alleged that this appellant along with other accused persons pressed the neck of the informant by lathi and abused by caste name.

It is submitted on behalf of the appellant that though there is allegation of assault but there is no injury report on record. It is not the case of the informant that at the time of the incident any member of public was present and, as such no offence under SC/ST Act is made out against this appellant.

Learned counsel for the State and respondent no.2 vehemently oppose the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 03.01.2023 is set aside.

Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, SC/ST Act, Patna in connection with



Shahpur P.S Case No. 222 of 2022, subject to the condition as
laid down under Section 438 (2) of the Code Of Criminal
Procedure.

(Prabhat Kumar Singh, J)

Alok Verma/-

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