

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.851 of 2022

Arising Out of PS. Case No.-473 Year-2021 Thana- MANER District- Patna

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1. Manish @ Manish Kumar Son Of Dhananjay Rai Resident Of Village - Mahinawan, P.S.- Maner, Distt.- Patna.
 2. Sagar @ Sagar Kumar Son Of Arvind Kumar Resident Of Village - Mahinawan, P.S.- Maner, Distt.- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Jitan Ram Son Of Late Arjun Ram Resident Of Village - Mahinawan, Ward No.17, P.S.- Maner, Distt.- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manoranjan Kumar, Advocate
For the Respondent/s	:	Mr. A.G
For the Respondent no.2	:	Mr. Naushad Akhtar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 12-04-2023 Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal is directed against the order dated 17.12.2021, passed in a case registered for the offence punishable under Sections 147, 341, 342, 323, 307, 363, 504, 506 of the Indian Penal Code read with Sections 3 (i) (r) (s) / 3 (2) (va) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, all the FIR named accused persons including these appellants and seven to eight unknown persons came to the house of the informant, abused him by caste name and assaulted him and his family members with fist, lathi, danda etc.



Learned counsel for the appellants submits that there is general and omnibus against them. From bare perusal of the FIR it is apparent that no member of the public was present at the time of incident, as such alleged incident did not take place within the public view, hence no case under the SC/ST Act is attracted against these appellants. He further submits that there is delay of 7 days in lodging of the F.I.R and there is no plausible explanation of delay which itself created doubt over the prosecution case.

Learned counsel for the state and respondent no.2 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 17.12.2021 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 Addition Sessions Judge III Cum Special Judge, SC/ST Act Patna in Maner P.S Case No. 473 of 2021, subject to the



condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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