

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1255 of 2023**

Arising Out of PS. Case No.-92 Year-2022 Thana- AWTARNAGAR District- Saran

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NEERAJ RAY @ KHAKHANU RAY Son of Rajendra Ray Resident of
Village-Haraji, P.S.-Avtarnagar, District-Saran at Chapra

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. BHOLA KUMAR Son of Chandrika Manjhi Resident of Village-Haraji,
P.S.-Avtarnagar, District-Saran at Chapra

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Radha Mohan Singh, Advocate
For the State : Ms/Mrs. Usha Kumari 1, Addl Public Prosecutor

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 22-09-2023 Heard learned counsel for the appellant and the State.

Despite valid service of notice, nobody appeared for respondent
no.2.

2. This appeal has been filed for setting aside order
dated 6.2.2023 passed in a case registered for the offence
punishable under sections 323, 324, 427, 448, 504, 506/34 of
the IPC and sections 3(i)(r)(s) of the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby



prayer for anticipatory bail of the appellant has been rejected.

3. As per the prosecution case, on the alleged date and time of the occurrence, all the FIR named accused persons including this appellant assaulted the informant and damaged his motorcycle and also abused him by caste name.

4. Learned counsel appearing for the appellant submits that it is not the case of the respondent no.2 that any member of the public was present at the place of occurrence, as such, no offence under the SC/ST Act is made out against the appellant. Moreover, there is general and omnibus allegation of having abused and assaulted respondent, and no specific overt act has been alleged against the appellant. Appellant claims clean antecedent.

5. Counsel for the State opposes the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside.

7. Let the appellant, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge III cum (SC/ST/MP/MLA Judge)



Saran at Chapra in Avtarnagar Police Station Case No. 92 of
2022.

(Prabhat Kumar Singh, J)

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