

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1383 of 2023

Arising Out of PS. Case No.-488 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

1. Vikas Kumar @ Vikash Kumar Son of Late Bhawan Ray Resident of Village-Dumri (Dakshni) P.S.-Patory (Mohanpur O.P.) District-Samastipur
2. Ranjan Kumar Son of Ramishlok Ray @ Shlok Ray Resident of Village-Dumri (Dakshni) P.S.-Patory (Mohanpur O.P.) District-Samastipur
3. Rajan Ray @ Rajan Kumar Son of Ramishlok Ray @ Shlok Ray Resident of Village-Dumri (Dakshni) P.S.-Patory (Mohanpur O.P.) District-Samastipur
4. Sohagiya Devi Wife of Ramishlok Ray @ Shlok Ray Resident of Village-Dumri (Dakshni) P.S.-Patory (Mohanpur O.P.) District-Samastipur
5. Rahul Kumar Son of Ramishlok Ray @ Shlok Ray Resident of Village-Dumri (Dakshni) P.S.-Patory (Mohanpur O.P.) District-Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Doman Paswan Son of Vilash Paswan Resident of Village-Dumri (Dakshini) Police Station-Patori (Mohanpur O.P.) District-Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mahendra Pratap
For the Informant	:	Mr.Vishal Vikram Rana
		Ms.Kumari Shalini
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-08-2023 At the outset, counsel for appellants seeks permission to make correction in para of the petition.

2. Permission is granted. The necessary be done during course of the day.

3. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

4. The present memo of appeal has been filed on



behalf of the appellants for grant of anticipatory bail against the order dated 25.01.2023 passed by learned Special Judge SC/ST (POA) Act, Samastipur in connection with Patori (Mohanpur OP) P.S. Case No. 488 of 2022 under Sections 147, 148, 149, 341, 323, 504, 307, 324 and 325 of the Indian Penal Code and section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

5. As per the prosecution case, all the FIR named accused persons/appellants assaulted and abused the informant and his family members.

6. It is submitted on behalf of the appellants that though there is allegation of commission of assault, but there is no injury report on record. It is further submitted that there is no allegation of abuse by caste name, as such, no case under SC/ST Act is made out. Appellants have got clean antecedent.

7. Counsel for informant however vehemently opposed the prayer for bail.

8. Considering the aforesaid facts, this appeal is allowed. The impugned order dated 25.01.2023 passed by learned Special Judge SC/ST (POA) Act, Samastipur, is set aside.



9. Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of six 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge SC/ST (POA) Act, Samastipur in connection with Shahpur Patory P.S. Case No. 488 of 2022.

(Prabhat Kumar Singh, J)

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