

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1865 of 2023**

Arising Out of PS. Case No.-312 Year-2022 Thana- KARJA District- Muzaffarpur

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1. SANJEEV RAI @ SANJEEV KUMAR Son of Babu Lal Rai R/V- Goriyara, PS- Karja, Dist- Muzaffarpur
 2. Sanni Kumar Son of Babu Lal Rai R/V- Goriyara, PS- Karja, Dist- Muzaffarpur
 3. Vivek Kumar Son of Ranjeet Ray R/V- Goriyara, PS- Karja, Dist- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Nikesh Kumar Ashok Paswan R/o Village-Goriyara, P.S.-Karja, district- Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manoj Kumar, Advocate

For the Respondent/s : Mr. Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

3 28-06-2023 Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal is directed against the order dated 13.02.2023 passed in a case registered for the offence punishable under Sections 341, 323, 307, 504/34 of the Indian Penal Code read with Sections 3 (i) (r) (s) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.



It is alleged that on the eve of Chhat Puja, dispute arose between the parties in relation to ghat, upon which all the accused persons came and abused the informant by caste name. Co-accused Ranjeet Rai gave spade blow on the head of the informant.

It is submitted on behalf of the appellants that specific allegation of assault is attributed against co-accused Ranjeet Rai. There is no specific allegation of over act leveled against these appellants. No case under SC/ST Act is made out as the alleged occurrence did not take place within the public view.

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

Considering the fact that there is general allegation of assault against these appellants, this appeal is allowed and the impugned order dated 13.02.2023 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 Additional District & Sessions Judge, I cum Special Courts of SC & ST Act, Muzaffarpur in connection with Karja P.S Case



No. 312 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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