

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2071 of 2023

Arising Out of PS. Case No.-321 Year-2019 Thana- KHAIRA District- Saran

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Dhiraj Ray @ Dhiraj Kumar Son Of Birendra Ray Resident Of Village -
Nagra Baswaria Tola, P.S.- Khaira, Distt.- Saran At Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sunil Kumar Manjhi Son of Lalbabu Manjhi Resident of Village - Nagra
Baswaria Tola, P.S.- Khaira, District - Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Nawal Kishore Singh
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-10-2023 Though, this case has been listed under the heading ‘For
Office Notes’ but, with the consent of both the parties, the same
is being heard on merit.

2. Heard learned counsel for the appellant, respondent
no. 2 and learned Special Public Prosecutor for the State.

3. This is an appeal under section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST
Act’) against the refusal of prayer for bail vide order dated
25.02.2023, passed by learned Additional Sessions Judge 3rd
Saran at Chapra in connection with Khaira Nagar P.S. Case No.
321 of 2019, registered under Sections 323, 307, 379, 354B, 504,
506/34 of the IPC and Sections 3(i) (r) (x) of SC/ST Act.



4. Appellant along with other accused persons are said to have abused the informant by taking caste name. On objection, they assaulted the informant and his family members.

5. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in this case. He submits that there is no specific overt act against the appellant to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellant. He submits that the present case is counter blast of Chapra Town P.S. Case No. 320 of 2021. He further submits that appellant has no criminal antecedent as stated in para-3 of this appeal.

6. However, learned Special PP for the State and learned counsel for the respondent no. 2 oppose the prayer for bail.

7. Considering the facts and circumstances of the case, let the above named appellant in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 3rd Saran at Chapra in connection



with Khaira Nagar P.S. Case No. 321 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, the impugned order is set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

devendra/-

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