

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2175 of 2023

Arising Out of PS. Case No.-411 Year-2022 Thana- RAJAPAKAR District- Vaishali

1. Sanjay Rai S/O Dewendra Rai Resident Of Village Rajapakar Chowari P.S. Rajapakar District Vaishali
2. Subodh Rai @ Subodh Kumar Rai S/O Dewendra Rai Resident Of Village Rajapakar Chowari P.S. Rajapakar District Vaishali
3. Raju Rai @ Raju Kumar Rai S/O Nagendra Rai Resident Of Village Rajapakar Chowari P.S. Rajapakar District Vaishali
4. Munna Rai @ Munna Kumar Rai S/O Nagendra Rai Resident Of Village Rajapakar Chowari P.S. Rajapakar District Vaishali
5. Nagendra Rai S/O Late Ram Lagan Rai Resident Of Village Rajapakar Chowari P.S. Rajapakar District Vaishali

... ... Appellant/s

Versus

1. The State of Bihar
2. Laliya Devi Raghunath Ram Resident of village Rajapakar Chowari P.S. Rajapakar District Vaishali

... ... Respondent/s

Appearance :

For the Appellant/s : Ms. Rupa Kumari
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants seeks permission to withdraw this application with regard to appellants no. 1 and 5 submitting that during pendency of this application the appellants no. 1 and 5 have already been apprehended by the police.

Permission is granted.

Accordingly, this application with regard to



appellants no. 1 and 5 is dismissed as withdrawn.

Now, this application is being heard only with regard to appellants no. 2, 3 and 4.

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

Learned Spl. PP for the State, in compliance of order dated 10.05.2023, informed the informant/complainant. Nobody appeared on behalf of the informant/complainant.

This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 12.04.2023 passed by learned Special Judge-SC/ST, Vaishali at Hajipur, in connection with Rajapakar P.S. Case No. 411 of 2022 registered under Sections 341, 323, 354, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellants is that they went to house of the informant and started abusing her, when she stopped, they started assaulting the informant and her family member, they also outraged her modesty.



Learned counsel for the appellants submits that the appellants have no concern with the aforesaid occurrence. There is no allegation of slating the informant in the specific name of her caste. Hence, no offence under Section SC/ST Act is made out against the appellant. He submits that there is dispute between the parties in connection with road and due to which there was free fight between the parties and both side got simple injury. Appellants have got no antecedent as mentioned in para-3 of memo of the appeal.

Learned Spl. PP for the State opposes payer for bail and submits that the appellants abused the respondent no. 2/informant by taking caste name.

Considering the facts and circumstances of the case as well as there is no specific overt act against the appellants, let the above named appellants no. 2, 3 and 4, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge- SC/ST, Vaishali at Hajipur, in connection with Rajapakar P.S. Case No. 411 of 2022, subject to the condition as laid down under Section 438(2)



of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

anand/-

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