

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2339 of 2023

Arising Out of PS. Case No.-90 Year-2023 Thana- DARIYAPUR District- Saran

MANISH KUMAR RAI @ MANISH KUMAR S/o Krishna Rai Resident of
village-Akbarpur, P.S.-Sitapur, Dist-Saran at Chapra

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rabindra Kumar Tiwari, Adv.
For the Respondent/s	:	Mrs.Usha Kumari 1, Spl.P.P.
For the Informant	:	Mr.Nalin Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 13-09-2023 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and learned Spl.P.P. for the State.

2. This is an appeal under section 14(A)(2) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities)
Amendment Act, 2015 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for anticipatory bail
vide order dated 26.04.2023, passed by learned 3rd Additional
Sessions Judge cum SC/ST Special Court, Saran, in connection
with Dariyapur P.S. Case No.90 of 2023, registered under
sections 341, 323, 324, 379, 427, 504, 506, 34 of the IPC and
sections 3(1)(r)(s), 3(2)(va) of the SC/ST (POA) Act.

3. Allegation against the appellant is that he along with
other accused persons abused the informant by taking caste



name and on protest they assaulted the informant.

4. It is submitted by learned counsel for the appellant that the appellant is innocent and has not committed any offence. No such occurrence as alleged has ever taken place. Appellant has been falsely implicated in the case with frivolous allegation. It is submitted that no offence under the SC/ST Act is made out against the appellant as the occurrence is not said to have taken place in the public view as the occurrence has taken place at 11.30 in the night. There is general and omnibus allegation against the appellant and other accused persons. For the alleged occurrence, there is case and counter-case between the parties and both sides have sustained injuries. Appellant has no criminal antecedent.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail by submitting that the appellant is also involved in the present case but have fairly accepted that there is general and omnibus allegation against the appellant.

6. Considering the facts and circumstances of the case, the appellant named above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on furnishing bail



bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge cum SC/ST Special Court, Saran, in connection with Dariyapur P.S. Case No.90 of 2023, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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