

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2134 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- MASAUDHI District- Patna

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1. RAJ KUMAR BIND SON OF NAND LAL BIND R/O VILLAGE-BANDRA CHAK, P.S.- MASAUDHI, DISTRICT- PATNA
 2. ARBIND KUMAR SON OF RAJ KUMAR BIND R/O VILLAGE-BANDRA CHAK, P.S.- MASAUDHI, DISTRICT- PATNA

... .. Appellant/s

Versus

1. The State of Bihar
2. VIKASH KUMAR SON OF SHIV VACHAN DAS R/O VILLAGE-BANDRA CHAK, P.S.- MASAUDHI, DISTRICT- PATNA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajesh Ranjan, Advocate
For the Respondent/s : Mr. Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 26-07-2023 1. Heard learned counsel for the appellants, the State
and respondent no.2.

2. The present appeal is directed against the order dated 11.05.2022, passed in a case registered for the offence punishable under Sections 341, 323, 354, 504, 506, 34 of the Indian Penal Code read with Sections 3 (i) (r) (s) of the SC/ST Act, where by anticipatory bail of the appellants has been rejected.

3. As per F.I.R, the allegation against these appellants



is of assault and abuse by caste name to the respondent No. 2 and his family members.

4. It is submitted that allegations against these appellants are vague and omnibus in nature. There is two days delay in lodging the F.I.R for which there is no explanation, which itself creates a doubt over the entire prosecution case. Incident did not take place within public view, as such, no case under SC/ST Act is made out against these appellants.

5. Learned counsel for the state and respondent no.2 opposed the prayer for bail.

6. Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 11.05.2022 is set aside.

7. 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST Act), Patna in connection with Msaudhi (Masaurhi) P.S. Case No 98/2022, subject to the condition as laid down under Section 438 (2) of the Code Of



Criminal Procedure.

(Prabhat Kumar Singh, J)

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