

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2204 of 2022

Arising Out of PS. Case No.-878 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

1. KAMLESH RAI S/O SHAMA RAI Resident of Village- Manua, P.S.- Hajipur Sadar, District- Vaishali.
2. RAJESH RAI S/O RAMA RAI Resident of Village- Manua, P.S.- Hajipur Sadar, District- Vaishali.
3. RANJEET RAI S/O RAMA RAI Resident of Village- Manua, P.S.- Hajipur Sadar, District- Vaishali.
4. LALAL KUMAR S/O RAMESH RAI Resident of Village- Manua, P.S.- Hajipur Sadar, District- Vaishali.
5. GAUTAM RAI S/O RAMESH RAI Resident of Village- Manua, P.S.- Hajipur Sadar, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar BIHAR

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the informant	:	Ms. Pooja Arya, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-04-2023 Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 12.04.2022, passed by learned Special Judge, S.C./S.T., Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No.878 of 2020, registered under Sections 341, 323, 324, 379, 504, 506 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s) of



the SC/ST Act.

The appellants and other co-accused persons are said to have abused and assaulted the informant. Appellant No.1, Kamlesh Rai is said to have assaulted the informant by means of *Hasua* causing injury in his head. The accused persons also snatched Rs.18,000/- from the informant.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. The appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that the doctor has examined the informant and in paragraph-30 of the case diary, it is mentioned that no any external injury on body surface.

Learned Special P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for grant of anticipatory bail to the appellants by submitting that the appellants have abused the informant by naming his caste.

Taking into consideration the facts aforesaid, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds 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 Hajipur Sadar P.S. Case No.878 of 2020, subject to the conditions 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)

S.KUMAR/-

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