

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2657 of 2023

Arising Out of PS. Case No.-365 Year-2022 Thana- DORIGANJ District- Saran

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1. MANOJ RAI @ SANJAY RAI Son of Dudhnath Rai Resident of village - Mahaji, P.S. - Doriganj, Distt. - Saran at Chapra
 2. Mithlesh Rai Son of Guru Charan Rai Resident of village - Mahaji, P.S. - Doriganj, Distt. - Saran at Chapra
 3. Ramjee Rai Son of Late Ramneh Rai Resident of village - Mahaji, P.S. - Doriganj, Distt. - Saran at Chapra
 4. Jitendra Rai Son of Ramjee Rai Resident of village - Mahaji, P.S. - Doriganj, Distt. - Saran at Chapra

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Jitendra Manjhi Son of Jagmohan Manjhi Resident of village - Mahaji, P.S. - Doriganj, Distt. - Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dewendra Narayan Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.PP.
		Mr. Ajit Kumar Singh, Adv.
		Mr. Prashant Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Though, the Vakalatnama has been filed on behalf of
respondent no.2, but nobody appears on his behalf.

3. 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 04.12.2022 passed by learned Additional Sessions Judge 3rd-cum-SC/ST/MP/MLA Judge, Saran at Chapra in connection with Doriganj P.S. Case No. 365 of 2022 registered under Sections 341, 323, 324, 325, 379, 354, 504, 34 of the Indian Penal Code and Section 3(i)(r)(s)(w), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons including the appellants came at the informant's house and started abusing the informant by taking his caste name. On protest, co-accused Chaturbhuj Rai gave an iron rod blow on the head of the informant due to which he sustained forehead injury. On hearing alarm, when the informant's mother and wife came to rescue him, they were also assaulted.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior motive. The allegation of abuse and assault levelled against the appellants is not specific rather general and omnibus in nature. There is specific allegation against co-accused Nagendra Rai and Chaturbhuj Rai. Appellants have no criminal antecedent as



mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

7. In the facts and circumstances of the case, as there is general and omnibus allegation against the appellants, the above named appellants, 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 the learned Additional Sessions Judge 3rd-cum-SC/ST/MP/MLA Judge, Saran at Chapra in connection with Doriganj P.S. Case No. 365 of 2022, 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 this appeal is allowed.

(Anjani Kumar Sharan, J)

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