

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2857 of 2023

Arising Out of PS. Case No.-230 Year-2022 Thana- NIMCHAKBATHANI District- Gaya

1. Ranjit Kumar @ Ranjit Prasad Son of Birendra Ram @ Birendra Prasad @ Virendra Ram Resident of village - Natesar, P.S. - Neemchak Bathani, Distt. - Gaya
2. Manjit Kumar Son of Birendra Ram @ Birendra Prasad @ Virendra Ram Resident of village - Natesar, P.S. - Neemchak Bathani, Distt. - Gaya
3. Virendra Ram @ Birendra Ram @ Birendra Prasad Son of Deoki Ram @ Devaki Prasad Resident of village - Natesar, P.S. - Neemchak Bathani, Distt. - Gaya
4. Raja Kumar Son of Birendra Ram @ Birendra Prasad @ Virendra Ram Resident of village - Natesar, P.S. - Neemchak Bathani, Distt. - Gaya
5. Sanjeet Prasad Son of Birendra Ram @ Birendra Prasad @ Virendra Ram Resident of village - Natesar, P.S. - Neemchak Bathani, Distt. - Gaya
6. Suraj Kumar Son of Shambu Ram @ Sambhu Prasad Resident of village - Natesar, P.S. - Neemchak Bathani, Distt. - Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Mungiya Devi Wife of Arvind Manjhi Resident of village - Natesar, Tola - Raja Bigha, P.S. - Neemchak Bathani, Distt. - Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manisha Prakash
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 22.03.2023 passed by learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Nimchak Bathani



P.S. Case No. 230 of 2022 under Sections 147, 148, 149, 323, 341, 504, 506, 379, 325, 354(B), 307, 336 of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

3. As per the prosecution case, all the 14 FIR named accused person including these appellants abused by caste name and assaulted the informant and others.

4. It is submitted on behalf of the appellants that there is case and counter case. Both sides sustained injuries. Injuries caused by the appellants are simple in nature. It is not the case of informant that on the alleged date and time of occurrence any member of public was present and as such, no case under SC/ST Act is made out. The case lodged by the appellants is earlier in point of time. Appellants have got clean antecedent.

5. Counsel for opposite party no. 2 opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed. The impugned order dated 22.03.2023 passed by learned Exclusive Special Judge (SC/ST Act), Gaya is set aside.

7. Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of



six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Gaya in connection with Nimchak Bathani P.S. Case No. 230 of 2022.

(Prabhat Kumar Singh, J)

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