

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2514 of 2022**

Arising Out of PS. Case No.-166 Year-2022 Thana- CHAKIA District- East Champaran

1. Binay Rai @ Vinay Kumar Yadav @ Binay Kumar Rai S/o- Satyanarayan Rai Resident of Village - Ganesh Sirsiya, P.S.- Chakia, District - East Champaran.
2. Satyanarayan Rai @ Satya Narayan Rai S/o- Pahari Rai Resident of Village - Ganesh Sirsiya, P.S.- Chakia, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Paswan Son of not known Resident of Village and Post - Ganesh Sirsiya, P.S.- Chakia, District - East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

5 15-09-2023 From the office note dated 12.09.2023, it appears that notices were served to respondent no. 2, but he refused to receive the same, in that view of matter, notices be deemed to be validly served on respondent no. 2.

2. Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

3. The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 23.06.2022 passed by learned Special Judge (SC/ST Act), East Champaran, Motihari in connection with Chakia P.S. Case No. 166 of 2022 under Sections 341, 323, 324, 307, 504,



34 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.

4. Prosecution case in brief is that on the alleged date and time of occurrence, while the informant was going to purchase medicine, it is alleged that these appellants abused by caste name, assaulted him and also snatched cash of Rs. 13,000/- from the pocket of informant.

5. It is submitted on behalf of the appellants both parties are close door neighbour and due to petty dispute an altercation took place between the parties and on account of which this false and fabricated case has been lodged against the appellants. It is further submitted that it is not the case of informant that any member of public was present at the time of alleged occurrence and as such, no case under SC/ST Act is made out. Injury caused by the appellants are simple in nature. Appellants have got clean antecedent.

6. Considering the aforesaid facts, this appeal is allowed. The impugned order dated 23.06.2022 passed by learned Special Judge (SC/ST Act), East Champaran, Motihari, 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 Special Judge (SC/ST Act), East Champaran, Motihari in connection with Chakia P.S. Case No. 166 of 2022.

(Prabhat Kumar Singh, J)

vinita/-

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