

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2902 of 2023**

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

Nagendra Rai @ Nagendra Kumar Son Of Singashan Ray Resident Of
Village- Badhara Mahaji, Ps- Doriganj, Distt- Saran at Chapra

... .. Appellant/s

Versus

1. The State of Bihar.
2. Jitendra Manjhi Son Of Jagmohan Manjhi Resident Of Village- Mahaji, Ps-
Doriganj, Distt- Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Ajit Kumar Singh, Advocate
		Mr. Prashant Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 15-12-2023 Heard learned counsel for the appellant, learned
counsel for the respondent no.2 and learned Spl.P.P. for the
State.

2. 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 for anticipatory
bail of the appellant vide order dated 17.05.2023 passed by
the learned Additional Sessions Judge, 3rd-cum-SC/ST,
MP/MLA Judge, Saran at Chapra in connection with A.B.P.
No. 1498 of 2023 (arising out of Doriganj P.S. Case No.



365 of 2022) registered for the alleged offences under Sections 341, 323, 324, 325, 379, 354, 504 read with 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. As per prosecution case, when the informant's wife was alone at her house, the appellant entered and started teasing the wife of the Informant and tore her cloth due to which she became nude. Thereafter, when the informant proceeded for making inquiry regarding the incident then the appellant along with 6 other persons holding rod, *danda*, *farsa* arrived at the informant's house and abused by calling his caste name. The co-accused *Chaturbhuj* Rai gave iron rod blow on the head of the informant causing forehead injury. It is further alleged that all the accused persons assaulted mother of the informant with rod, *danda* and snatched *Jhumka* from the informant's wife.

4. Learned counsel for the appellant submits that the appellant is innocent and have been falsely implicated in this case. There is general and omnibus allegation against



the appellant. It is further submitted that the injury is simple in nature. Learned counsel has further submitted that as per the F.I.R., no member of public was present at the relevant point of time of the alleged incident, hence, no offence under SC/ST Act is made out against the appellant. The appellant has no criminal antecedent as stated in the para 3 of the bail petition.

5. Learned Spl. P.P. for the State as well as learned counsel for the respondent no.2 have opposed the prayer for anticipatory bail of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as the fact that no case u/s SC/ST Act is made out against the appellant, the impugned order dated 17.05.2023 passed by the learned Additional Sessions Judge, 3rd-cum-SC/ST, MP/MLA Judge, Saran at Chapra in connection with A.B.P. No. 1498 of 2023 (arising out of Doriganj P.S. Case No. 365 of 2022), is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, in the event of his arrest/ surrender before the learned Court below within a period of six weeks from today, be enlarged on bail



on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 3rd-cum-SC/ST, MP/MLA Judge, Saran at Chapra in connection with A.B.P. No. 1498 of 2023 (arising out of Doriganj P.S. Case No. 365 of 2022), subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

Nilmani/-

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