

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2914 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- VIDYAPATINAGAR District- Samastipur

1. Jawahar Lal Ray @ Jawahar Ray @ Jawahar Rai @ Jawhar Lal Rai Son Of Rampadarath Rai Resident Of Village - Sherpur, P.S. - Vidyapatinagar, District - Samastipur
2. Ram Nath Ray Son Of Ramashish Rai Resident Of Village - Sherpur, P.S. - Vidyapatinagar, District - Samastipur
3. Raju Kumar @ Raju Kumar Ray @ Raju Kumar Rai Son Of Jawaharlal Rai Resident Of Village - Sherpur, P.S. - Vidyapatinagar, District - Samastipur
4. Shivshankar Kumar @ Shivshankar Ray @ Shivshankar Rai Son Of Giral Rai Resident Of Village - Sherpur, P.S. - Vidyapatinagar, District - Samastipur
5. Shambhu Ray @ Shambhu Rai Son Of Giral Rai Resident Of Village - Sherpur, P.S. - Vidyapatinagar, District - Samastipur
6. Vikram Kumar Son Of Sajjan Rai Resident Of Village - Sherpur, P.S. - Vidyapatinagar, District - Samastipur
7. Sarbind Ray @ Sarvind Rai Son Of Giral Rai Resident Of Village - Sherpur, P.S. - Vidyapatinagar, District - Samastipur

... .. Appellants

Versus

The State Of Bihar, Patna

... .. Respondent

Appearance :

For the Appellant/s	:	Mrs. Usha Kumari Singh
For the Respondent/s	:	Mr. Binay Krishna
	:	Mr. Prem Kumar Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-08-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State assisted by learned counsel for the respondent no.2.

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 of anticipatory bail



vide order dated 07.06.2023 passed by learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Vidyapatinagar P.S. Case No.50 of 2023, registered under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Section 3 (i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is general and omnibus allegations levelled against the appellants. There is no specific overt act against any of these appellants to abuse the informant by taking the caste name. There is specific allegation against the co-accused Arvind Rai who assaulted and abused the informant by taking the caste name. Appellants are only members of the mob. Appellants have got no criminal antecedent except appellant no.7 who has got one criminal antecedent as mentioned in para-3 of memo of appeal.

4. Learned Spl. PP for the State opposes the prayer for bail and fairly submits that the appellants are members of the mob.

5. In the facts and circumstances of the case, let 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 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 (POA) Act, Samastipur in connection with Vidyapatnagar P.S. Case No.50 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

6. Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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