

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3717 of 2021

Arising Out of PS. Case No.-515 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

1. Mukesh Kumar Son Of Suresh Rai R/O Village- Baghari, P.S.- Runnisaidpur, Dist.- Sitamarhi
2. Ramesh Raut Son Of Jiwan Raut @ Ramjeevan Raut R/O Village- Baghari, P.S.- Runnisaidpur, Dist.- Sitamarhi

... .. Appellant/s

Versus

1. The State Of Bihar
2. Umesh Thakur Son of Ram Swarth Thakur Resident of village- Baghari, P.S.- Urnnisaidpur, Dist- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ritesh Kumar Narain Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 11-01-2023 Learned counsel for the appellants has filed the supplementary affidavit today in the court.

Let it be kept on record.

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

Learned counsel for the appellants, by way of supplementary affidavit, submits that the respondent no. 2 and his son are joint and they have no adverse interest in this matter, therefore, notice received by the son of the respondent no. 2 is treated to be validly served.

Considering the facts aforesaid, notice issued to the respondent no. 2 is treated to be validly served.



This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 06.08.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Runnisaidpur P.S. Case No. 515 of 2019, registered under Sections 341, 324/34 of the IPC and Sections 3(i) (r) (s)(w) of SC/ST Act.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that as per FIR, the allegation of assault is against the appellant no. 1 who gave iron blow on the head of the informant but the doctor was found lacerated wound on the head of the informant. The doctor has also opined the nature of injury is simple caused by hard blunt substance. So far as allegation against appellant no. 2 is concerned, he is a member of mob and he did not any active role in the present occurrence. He submits that informant belongs to Lohar community, therefore, no offence under SC/ST Act is made out in the present case in view of the judgement of **Hon'ble Supreme Court in the case of Sunil Kumar Rai & Ors Vs. The State of Bihar & Ors. passed in Writ Petition (Civil) No. 1052 of 2021.**He



further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Considering 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 bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st A.D.J., Sitamarhi in connection with Runnisaidpur P.S. Case No. 515 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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