

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3034 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- KALYANPUR District- Samastipur

1. SUBHASH KUMAR @ SUBHASH RAY SON OF DILIP RAY R/o vill - Kamargama, P.S. - Kalyanpur, Distt. - Samastipur
2. DILIP RAY SON OF RAMASHRAY RAY R/o vill - Kamargama, P.S. - Kalyanpur, Distt. - Samastipur
3. ALOK RAY @ ALOK KUMAR SON OF ASHOK RAY @ ASHOK KUMAR RAY R/o vill - Kamargama, P.S. - Kalyanpur, Distt. - Samastipur
4. JITENDRA RAY SON OF LATE RAM BRIKSHA RAY R/o vill - Kamargama, P.S. - Kalyanpur, Distt. - Samastipur
5. ASHOK RAY @ ASHOK KUMAR RAY SON OF RAMASHRAY RAY R/o vill - Kamargama, P.S. - Kalyanpur, Distt. - Samastipur
6. DURGA DEVI WIFE OF DILIP RAY R/o vill - Kamargama, P.S. - Kalyanpur, Distt. - Samastipur
7. ANITA DEVI WIFE OF ASHOK RAY @ ASHOK KUMAR RAY R/o vill - Kamargama, P.S. - Kalyanpur, Distt. - Samastipur
8. MOHAN RAY @ MOHAN KUMAR RAY SON OF SURESH YADAV RESIDENT OF VILLAGE- BEDAUL, PS- SADAR, DISTT- DARBHANGA

... .. Appellant/s

Versus

1. The State of Bihar
2. REKESH KUMAR SON OF FULCHAND RAM RESIDENT OF VILLAGE - KAMARGAMA, PS- KALYANPUR, DISTT- SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vinay Kumar Mishra, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.PP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-11-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 20.09.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his



behalf.

3. 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 05.06.2023 passed by learned Special Judge SC/ST (POA) Act, Samastipur in connection with Kalayanpur P.S. Case No. 131 of 2023 registered under Sections 341, 323, 307, 354(B), 379, 504, 506, 34 of the Indian Penal Code and Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. The allegation against the appellants is that they abused the informant by taking his caste name and also assaulted him fist and feet. On hearing alarm, when his mother-in-law and family members came there to save him, they were also assaulted. Appellant Ashok Ray snatched gold hanumani worth Rs. 30,000/- from neck of the informant, whereas appellant Subhash Ray snatched Rs. 20,760/- from his pocket.

5. It is submitted by learned counsel for the appellants that the appellants are quite innocent and have committed no offence. They have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to ulterior



motive. The allegation of assaulting and abusing the informant is not specific rather general and omnibus in nature. There is compromise between the parties. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, as there is no specific overt act against the appellants, 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 Special Judge SC/ST (POA) Act, Samastipur in connection with Kalayanpur P.S. Case No. 131 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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