

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2707 of 2022

Arising Out of PS. Case No.-197 Year-2021 Thana- DERNI BAZAR District- Saran

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1. TRILOKI RAY Son of Late Ram Ayodhya Ray Resident of Village - Pirari, P.s.- Darni, Distt.- Saran.
 2. Butan Ray @ Raj Kishore Ray Son of Late Ram Ayodhya Ray Resident of Village - Pirari, P.s.- Darni, Distt.- Saran.

... .. Appellants

Versus

1. The State of Bihar
2. Jitendra Manjhi Son of Budhan Manjhi Resident of Village - Pirari, P.s.- Darni, Distt.- Saran.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr.Ravi Prakash, Advocate
For the Respondent/s	:	Mr.A.G.
For the opposite party no.2	:	Mr. DK Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 19-07-2023 Heard learned counsel for the appellants, the State and respondent no.2.

2. This appeal has been filed for setting aside order dated 10.6.2022, passed in a case registered for the offence punishable under sections 379/504/506 and other ancillary sections of the IPC and sections 3(i)(r)(s)/3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, all the FIR named



accused persons including these assaulted opposite party no.2 and abused by caste name.

4. Genesis of occurrence is panchayat election. Allegation of assault is general against the appellants. Case and counter case. Insult is not caused to informant on the basis of caste. Hence no case under the SC/ST Act is made out against them. Appellants claims clean antecedent.

5. Counsel for the State and the respondent no.2 oppose the prayer for bail. Appellant no.1 has got criminal antecedent of similar nature.

6. Considering the fact that appellant no.1 has got criminal antecedent of similar nature, I do not find any good ground to interfere with the impugned order. Prayer for pre-arrest bail to appellant no.1 is hereby rejected.

7. However, this appeal is allowed with respect of appellant no.2 and the impugned order is set aside. Let the appellant no.2, named above, in the event of arrest/surrender within a period of eight 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 Additional Sessions Judge III cum Special Judge, SC/ST Act



Saran at Chapra in Derni Police Station Case No. 197 of 2021.

(Prabhat Kumar Singh, J)

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