

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3237 of 2023**

Arising Out of PS. Case No.-358 Year-2023 Thana- DARIYAPUR District- Saran

RAJ KUMAR RAI @ DHUNDHUN RAI @ RAJKUMAR RAY Son of Late
Ramjee Rai Resident of village - Chakjalal, P.S. - Dariyapur, Distt. - Saran at
Chapra

... .. Appellant/s

Versus

1. The State of Bihar \
2. Ramchandra Manjhi Son of Sikendra Manjhi Resident of village - Barwe,
P.S. - Dariyapur, Distt. - Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar Singh
For the Respondent/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 14-09-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 1.7.2023 passed by learned 3rd Addl. Sessions Judge-cum-SC/ST Special Court, Saran at Chhapra whereby the prayer for bail of the appellant in connection with Dariyapur P.S. Case no. 358 of 2023 under Sections 341, 323, 354(B), 452, 504, 506 of the Indian Penal Code and sections 3(i)(r)(s)(w), 3(2)(va) of SC/ST Act was rejected.

3. The appellant is alleged to have assaulted and outraged the modesty of daughter-in-law of the informant as they belong to community of SC/ST.



4. It is submitted by learned counsel for the appellant that appellant has been falsely implicated in this case due to dirty village politics. He has not taken the caste name of the informant in public view as such, no offence is made out under the provisions of the SC/ST Act against him. A counter case vide Dariyapur P.S. Case No. 355 of 2023 was already instituted against son of the informant. The appellant has got no criminal antecedent as stated in para-3 of the petition. Moreover, he is languishing in judicial custody since 23.6.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 1.7.2023 passed in Dariyapur P.S. Case No. 358 of 2023 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Dariyapur P.S. Case No. 358 of 2023 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-SC/ST Special



Court, Saran at Chhapra.

(Sunil Kumar Panwar, J)

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