

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3267 of 2023

Arising Out of PS. Case No.-698 Year-2022 Thana- SONEPUR District- Saran

BRAJESH RAI @ NANHAK RAI S/O CHANAR RAI R/O Village-
Baburbani, P.S- Sonpur, Distt.- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Dilwa Devi W/O Ram Babu Paswa R/O Village- Karamchak, P.S- Sonpur,
Distt.- Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dewendra Narayan Singh
For the Respondent/s	:	Mr. Binay Krishna Mr. Rakesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-12-2023 Heard learned counsel for the appellant, learned counsel
for the respondent no.2 and learned Special Public Prosecutor
for the State.

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 27.05.2023 passed by learned In-Charge
SC/ST/MP/MLA Judge-cum-Additional Sessions Judge, 3rd,
Saran at Chapra in connection with Sonpur P.S. Case No. 698 of
2022, registered under Sections 341, 323, 354(B), 504, 506, 34
of the Indian Penal Code and Section 3(i) (r) (s) (w), 3 (2) (va)



of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. The prosecution case, in brief, is that the appellant along with other accused persons entered into the house of the informant and asked her to hide wine in her courtyard. On protest, all the accused persons abused the informant by taking caste name and also assaulted her.

4. It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case. There is no specific overt act against the appellant. He further submits that there is some land dispute between the parties. There is love affair between the son of the informant and daughter of the appellant due to which the appellant has been implicated in this case. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

5. Learned Spl. PP for the State as well as learned counsel for the respondent no.2 opposed the prayer for bail.

6. In the facts and circumstances of the case, let the above named appellant, in the event of his arrest or surrender



before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned In-Charge SC/ST/MP/MLA Judge-cum-Additional Sessions Judge, 3rd, Saran at Chapra in connection with Sonpur P.S. Case No. 698 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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