

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.693 of 2021

Arising Out of PS. Case No.-197 Year-2020 Thana- FATUA District- Patna

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1. Jitendra Ray Son of Late Jethan Ray R/o village- Nathupur, P.S.- Fatuha, District- Patna
 2. Gorakh Ray Son of Late Jethan Ray R/o village- Nathupur, P.S.- Fatuha, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramdhayan Paswan S/o Late Dhurkheli Paswan Village-Nathupur,P.S-Fatuha,District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Jay Ram Prasad, Advocate
For the Informant	:	Mr. Rakesh Kumar Jha, Advocate
For the Respondent/s	:	Mr. Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-03-2023 Heard learned counsels appearing on behalf of appellants, informant and Spl.P.P.

This criminal appeal has been filed against the impugned order dated 16.09.2020 passed by learned Special Judge SC/ST (POA) Act, Patna in Special Case No. 120 of 2020 arising out of Fatuha P.S. Case No. 197 of 2020, registered under Sections 147, 323, 307, 506 and other allied sections of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.



As per prosecution case, these appellants along with other F.I.R. named accused persons abused and assaulted the informant and others by calling their caste name.

It is submitted on behalf of appellants that the appellants are quite innocent and allegation of abuse and assault is general and omnibus in nature. Specific accusation is against co-accused Golu Kumar. Appellants claim clean antecedent.

Learned Special Public Prosecutor for the State vehemently opposes the prayer for anticipatory bail of the appellants.

From perusal of the F.I.R. it appears that the aforesaid occurrence has taken place at the house of the informant which is not within the public view. As such, no offence is made out under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act

Considering the facts and circumstances of the case, impugned order dated 16.09.2020 passed by learned Special Judge SC/ST (POA) Act, Patna in Special Case No. 120 of 2020 arising out of Fatuha P.S. Case No. 197 of 2020 is set aside.

Let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST, Patna in connection with Special Case No. 120 of 2020 arising out of P.S. Case No. 197 of 2020.

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

(Prabhat Kumar Singh, J)

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