

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.679 of 2021**

Arising Out of PS. Case No.-85 Year-2020 Thana- RAXAUL District- East Champaran

Rahul Kumar Son of Rameshwar Yadav @ Rameshwar Ray Resident of
village - Shitalpur, P.S. - Raxaul, District - East Champaran.

... .. Appellant/s

Versus

1. The State Of Bihar

2. Lachchu Urawn Lachchu Urawn,A.S.I,P.S-Raxaul,East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kundan Rathore

For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 26-04-2023 Despite valid service of notice, none appears on
behalf of respondent no. 2.

Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf
of the appellant for grant of anticipatory bail against the order
dated 05.09.2020 passed by learned Ist Additional Sessions
Judge-cum-Special Judge (SC/ST Act), Motihari, East
Champaran in connection with Raxaul P.S. Case No. 85 of 2020
under Sections 147, 148, 149, 324, 307, 332, 333, 353,
120(B)/34 of the Indian Penal Code and section 3(i)(r)(s)/3(ii)
(va) of the Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act, 1989, whereby the prayer for anticipatory bail
of the appellant was rejected.



Prosecution case in brief is that on the basis of secret information, informant along with other police officials went at the place of occurrence. It is alleged that co-accused Ramadhar Yadav started abusing the informant by caste name. It is further alleged that when the informant forbade to do so, then Ramadhar Yadav assaulted him on his head by means of iron rod causing head injury. Thereafter, family members of co-accused Ramadhar Yadav started assaulting the police party with *lathi*, *danda*, fist and they also abused them.

It is submitted on behalf of the appellant that specific accusation of commission of assault and abuse by caste name is against co-accused Ramadhar Yadav, as such no case under SC/ST Act is made out against these appellants. This appellant has been made accused in this case only because he is family member of co-accused Ramadhar Yadav. Appellant has got clean antecedent.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 05.09.2020 passed by learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST Act), Motihari, East Champaran, is set aside.

Let the appellant above-named, in the event of his arrest/surrender before the court below within a period of six



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) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge-cum-Special Judge (SC/ST Act), Motihari, East Champaran in connection with Raxaul P.S. Case No. 85 of 2020.

(Prabhat Kumar Singh, J)

vinita/-

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