

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3125 of 2022**

Arising Out of PS. Case No.-10 Year-2021 Thana- SC/ST District- Gaya

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1. RAVI SHANKAR PRASAD @ RAVI SHANKAR RAI SON OF LATE RAM RATAN RAUT R/O MOHALLA- BAGESHWARI GUMTI, NEAR-BAM BABA, P.S.- DELHA, DISTRICT- GAYA
 2. ANJANI DEVI WIFE OF RAVI SHANKAR PRASAD @ RAVI SHANKAR RAI R/O MOHALLA- BAGESHWARI GUMTI, NEAR- BAM BABA, P.S.- DELHA, DISTRICT- GAYA
 3. PREM BALLABH SINGH @ PREM BALLAV SON OF RAM NANDAN SINGH R/O MOHALLA- BAGESHWARI GUMTI, NEAR- BAM BABA, P.S.- DELHA, DISTRICT- GAYA

... .. Appellant/s

Versus

1. The State of Bihar
2. PUNAM DEVI WIFE OF PREM KUMAR R/O MOHALLA- BAGESHWARI GUMTI, NEAR- BAM BABA, P.S.- DELHA, DISTRICT- GAYA

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Kumar , Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

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

3 26-07-2023 1.Despite of notice issued, nobody appeared on behalf of reposondent No 2.

2.Heard learned counsel for the appellant and the State.

3.The present appeal is directed against the order dated 15.07.2022, passed in a case registered for the offence punishable under Sections 341, 323, 324, 379, 504, 506/34 of the Indian Penal Code read with Sections 3 (i) (r) (s), 3(2)(v-a)of the SC/ST Act, whereby anticipatory bail of the appellants has



been rejected.

5. It is alleged that on 14.03.2021 at about 08:00 P.M all the F.I.R named accused persons including these appellants came to the house of informant assaulted and abused her by caste name. It is further alleged they also took away jewelery and threatened the informant.

4. It is submitted that due to animosity this false and concocted case has been lodged against these appellants. There is general and omnibus allegation of assault against these appellants. Doctor has found simple injury. Insult caused to the respondent no.2 is not based on the caste, as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5.Learned counsel for the state opposed the prayer for bail.

6.Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 15.07.2022 is set aside.

7.Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight weeks from today, they shall be released on anticipatory 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 learned Court of Exclusive Special Judge, SC/ST, Gaya in connection with SC/ST P.S. Case No. 10 of 2021, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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