

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3694 of 2022

Arising Out of PS. Case No.-414 Year-2022 Thana- SONEPUR District- Saran

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1. RAJA RAI @ SHAILESH KUMAR S/o Jitendra Rai R/o Village- Gangajal Tola, P.S.- Sonapur, District- Saran
 2. GUDDU KUMAR @ GUDDU RAI S/o Jitendra Rai R/o Village- Gangajal Tola, P.S.- Sonapur, District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjeet Paswan Son of Niranjana Paswan At Gangajal Tola, P.S.- Sonapur, District- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nalin Kumar
For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 04-10-2023 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. Although this appeal has been listed under the heading 'For Orders (On Office Notes)' but with consent of parties, this appeal has been heard for final disposal at this stage itself.

3. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 19.04.2023, he has informed the informant but none is present on his behalf.

4. 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 19.09.2022 passed by learned Additional Sessions Judge-III, Saran at Chapra in connection with Sonapur P.S. Case No. 414 of 2022 registered under Sections 342, 323, 324, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) (s) 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

5. Both the appellants along with other co-accused are said to have come at the house of the informant and started abusing him by taking his caste name. Other allegations also have been made.

6. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. Slating the informant in the name of caste is said to have been made at the house of the informant and not in public view, hence no offence under SC/ST Act is made out against the appellants. Appellants have no criminal antecedent as mentioned in para-3 of memo of



appeal.

7. Learned Spl. PP for the State opposed the prayer for bail.

8. In the facts and circumstances of the case, let the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Saran at Chapra in connection with Sonepur P.S. Case No.414 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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