

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3836 of 2022

Arising Out of PS. Case No.-222 Year-2022 Thana- KATEYA District- Gopalganj

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1. NAROTAM RAI @ NARATAM RAI S/o Late Sanpati Rai @ Sampat Rai R/o Village- Patkhauli, P.S.- Kateya, Distt- Gopalganj.
 2. Santosh Rai S/o Late Sanpati Rai @ Sampat Rai R/o Village- Patkhauli, P.S.- Kateya, Distt- Gopalganj.
 3. Satendra Rai S/o Late Sanpati Rai @ Sampat Rai R/o Village- Patkhauli, P.S.- Kateya, Distt- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Nand Kishor Gor S/o Ramnath Gor R/o Village- Patkhauli, P.S.- Kateya, Distt- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Natraj Verma, Advocate
For the State	:	Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-05-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

In view of the earlier order dated 02.03.2023, the informant was informed about his appearance in this case by the learned Special P.P. for the State, but nobody has entered appearance on his behalf.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 18.08.2022, passed by learned Additional Sessions Judge-III-



cum-SC/ST Special Court, Gopalganj in connection with Kateya P.S. Case No.222 of 2022, registered under Sections 341, 323, 325, 379 and 34 of the Indian Penal Code and Sections 3(i)(r) (s)/3(2)(va) of the SC/ST Act.

The appellants and other co-accused persons are said to have assaulted the informant and his family members by means of *lathi*, *danda*, hockey, bat and iron rod causing injuries to them. It is alleged that the appellants have abused the informant by naming his caste. It is also alleged that the appellants have snatched *Mangal Sutra* and earring from possession of mother of the informant. The appellants also took away bicycle from the house of the informant.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got criminal antecedents as stated in paragraph-3 of the memo of appeal. It is further submitted that no specific overt act is alleged against the appellants. The allegations against the appellants are general and omnibus. It is also submitted that occurrence took place on 19.05.2022, but the FIR was lodged on 25.05.2022 after delay of six days without giving any explanation for the said delay, which creates a serious doubt about the veracity of the



prosecution case. It is further submitted that the injuries sustained by the injured persons are simple in nature, which is clear from the injury report annexed with the case diary.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellants.

Considering the nature of injuries, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III-cum-SC/ST Special Court, Gopalganj in connection with Kateya P.S. Case No.222 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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