

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3963 of 2022

Arising Out of PS. Case No.-585 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

SUPAN RAI @ SUPAN PRASAD YADAV Son of Prahlad Ray R/v- Yamuna
Mathiya @ Jamuna Mathiya, P.S.- Muffasil, District- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Jha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-07-2023 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 04.01.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

3. 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 22.09.2022 passed by learned court of Additional Sessions Judge-3rd, Saran in connection with Muffasil (Chapra) P.S. Case No. 585 of 2022 registered under Sections 341, 324, 307, 379, 354, 504 of the Indian Penal Code



and Section 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, after some altercation, all the accused persons including the appellant are said to have assaulted the informant with deadly weapons and abused him by taking his caste name and when Mina Devi and Santu came to save him, they were also abused and assaulted. They also snatched the *Mangalsutra* and earrings of the informant's aunt.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegations levelled against the appellants are not specific rather general and omnibus in nature. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

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

7. In the facts and circumstances of the case, as there is no specific overt act of slating the informant by taking his caste name, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six



weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-3rd, Saran in connection with Muffasil (Chapra) P.S. Case No. 585 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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