

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3863 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

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1. Rajesh Kumar @ Rajesh Sah S/O Ramyas Sah Resident Of Village- Rain Shankar, P.S.- Runni Saidpur District- Sitamarhi.
 2. Ritik Kumar S/O Rajesh Sah Resident Of Village- Rain Shankar, P.S.- Runni Saidpur District- Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Meena Devi W/O Nagendra Baitha Resident Of Village- Rain Shankar, P.S.- Runni Saidpur District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-10-2023

Re: I.A. No. 01 of 2023

Heard learned counsel for the parties.

2. Appellants have filed the aforesaid interlocutory application for condoning the delay of 10 days in preferring this appeal.

3. Finding the grounds taken by the appellants in the aforesaid I.A. for condoning the delay made in preferring this appeal is sufficient and in the interest of justice, aforesaid delay in preferring this appeal is hereby condoned and aforesaid I.A. is, accordingly, allowed.

Re: Criminal Appeal (SJ) No. 3863 of 2022

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

2. Learned counsel for the appellants has filed the



jointness petition in which it is stated that the notice received by the husband of the respondent no. 2 who is living together in the same courtyard, as such, the service of notice may be accepted as valid service.

3. Considering the facts aforesaid, the notice received by the husband of the respondent no. 2 is treated to be validly served.

4. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 02.08.2022, passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi in connection with Runnisaidpur P.S.Case No. 133 of 2022, registered under Sections 341, 323, 324, 307, 379, 504, 506, 34 of the IPC and Sections 3(i) (r) (s), 3 (2) (va) of SC/ST Act.

5. Appellants along with other accused persons are said to have abused the informant and his family members by taking caste name. On objection, they entered into the house and started assaulting them by knife, katta and danda and injured them.

6. It is submitted by learned counsel for the appellants



that the appellants are innocent and have been falsely implicated in this case. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. He submits that the injury found upon the victim is simple in nature. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

7. Considering 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 1st Additional Sessions Judge-cum-Special Judge (SC/ST Act), Sitamarhi in connection with Runnisaidpur P.S.Case No. 133 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

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(Anjani Kumar Sharan, J)

