

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 4156 of 2022**

Arising Out of PS. Case No.-309 Year-2019 Thana- SAHPUR District- Patna

RAJU KUMAR @ RAJU RAI S/o Ramesh Ray R/o Village- Raghurampur
Tola, Chandmari Lodipur, P.S.- Shahpur, Distt- Patna.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR Bihar
2. BAJRANGI MANJHI S/o Rega Manjhi R/o Village- Sikandarpur Mushari,
Post- Jamsaut, P.S.- Shahpur, Distt- Patna.

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 19-01-2023 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State. Despite notice being served, no one turn up on behalf of the informant..

The instant appeal has been filed by the appellant against the order dated 13.09.2022 passed by learned Special Judge SC/ST Act, Patna in Spl. Case No. 371 of 2019 whereby the prayer for bail of the appellant in connection with Special Case No. 371 of 2019 arising out of arising out of Shahpur P.S. Case No. 309 of 2019 under Section 147, 148, 149, 341, 323, 307, 504, 506, 379, 427 and 436 of the Indian Penal Code and sections 3(1)(r) of SC/ST Act was rejected.

As per allegation in the FIR, a mob of 100 people of



Yadav community including the appellants, came into Mushahri and started loot and arsoning in the locality. It is further alleged that appellants have abused the informant by taking his caste name and assaulted him.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to dirty village politics. In the alleged offence, brother of the appellants also died prior to lodging the present FIR. They have not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. Similarly situated other appellants have already been granted bail by another co-ordinate Bench passed in Cr. Appeal (SJ) No. 1063 of 2022 vide order dated 11.08.2022, Cr. Appeal (SJ) No. 48 of 2020 vide order dated 5.2.2020, Cr. Appeal (SJ) No. 176 of 2021 vide order dated 22.02.2021. Appellant is languishing in judicial custody since 18.05.2022.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that appellant was only a member of mob, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 13.09.2022 passed



in Spl. Case No. 371 of 2019 is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Shahpur P.S. Case No. 309 of 2019 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Patna.

(Sunil Kumar Panwar, J)

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