

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4241 of 2022

Arising Out of PS. Case No.-376 Year-2022 Thana- NATHNAGAR District- Bhagalpur

1. PUSHKAR RAY S/O RAJENDRA PRASAD RAY Resident of village- Rannu Chak, P.S.- Nath Nagar, District- Bhagalpur.
2. TUNTUN RAY S/O LATE BRAHMDEO RAY Resident of village- Rannu Chak, P.S.- Nath Nagar, District- Bhagalpur.
3. NAYAN KUMAR S/O TUNTUN RAY Resident of village- Rannu Chak, P.S.- Nath Nagar, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. PRAKASH PASWAN S/O LATE TARNI PASWAN Resident of village- Damodarpur, P.S.- Akbarnagar, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar

For the Respondent/s : Mrs. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 26-04-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned Special Public Prosecutor for the State informs this Court that he has complied the order dated 15.03.2023 but nobody appeared on behalf of the respondent no.2.

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 15.09.2022 passed by learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Nathnagar P.S. Case No. 376/2022, registered under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the Indian Penal Code, Section 3 (i)(r)(s)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 27 of the Arms Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is general and omnibus allegations levelled against the appellants. Similarly situated other co-accused persons have already been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 08.12.2022 passed in Cr. Appeal(SJ) No. 3998/2022. There is compromise between the parties. Appellants have got criminal antecedents as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail and submits that the appellants abuse the respondent no.2/informant by taking caste name.

In the facts and circumstances of the case and the fact that there is compromise between the parties, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur in connection with Nathnagar P.S. Case No. 376/2022, subject to the condition 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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