

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4163 of 2022**

Arising Out of PS. Case No.-168 Year-2022 Thana- KOPA District- Saran

1. Rijwan Ali Khan @ Munna Khan @ Rizwan Ali Afzal Son Of Late Irshad Ali Khan R/V- Marha, P.S- Manjhi, Dist- Saran At Chapra (Bihar)
2. Md. Imteyaz Ali Khan @ Mithu Khan Son Of Late Irshad Ali Khan R/V- Marha, P.S- Manjhi, Dist- Saran At Chapra (Bihar)
3. Israr Khan @ Vikky Khan @ Vikky Son Of Nawajish Ali R/V- Marha, P.S- Manjhi, Dist- Saran At Chapra (Bihar)
4. Tarkeshwar Prasad @ Mote @ Motoj Son Of Late Rajendra Sah R/V- Kopa, P.S- Kopa, Dist- Saran At Chapra (Bihar)

... .. Appellant/s

Versus

1. The State of Bihar
2. Suresh Manjhi Son of Chhathu Manjhi R/V- Musher, P.S- Kopa, dist- Saran at chapra (Bihar)

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vikram Deo Singh Mr. Rakesh Kumar
For the State	:	Mr. Binay Krishna
For the respondent no. 2	:	Mr. Naline Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

5 10-05-2023 Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State.

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 11.11.2022, passed by learned III Additional Sessions Judge, Saran at Chapra in connection with Kopa P.S. Case No. 168 of 2022, registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504, 506



of the IPC and Sections 3(i) (r) (s) of SC/ST Act and Section 27 of the Arms Act.

Appellants are said to have abused the informant and also assaulted him.

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

However, learned Spl.P.P for State and learned counsel for the respondent no. 2 oppose the prayer for bail.

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 III Additional Sessions Judge, Saran at Chapra in connection with Kopa P.S. Case No. 168 of 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 the appeal is allowed.

(Anjani Kumar Sharan, J)

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