

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4395 of 2022

Arising Out of PS. Case No.-172 Year-2022 Thana- RAHIKA District- Madhubani

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1. MD. NEYAZ @ SONU Son of Hibjur Rahman Resident of village - Izra, Ward No.- 7, P.S.- Rahika, District - Madhubani.
 2. Md. Reyaz Hassan @ Chunnu Son of Hibjur Rahman Resident of village - Izra, Ward No.- 7, P.S.- Rahika, District - Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Ram Prakash Paswan Son of Late Rajendra Paswan Resident of Vill.- Rajaura Dih, P.S.- Raiyam, Distt.- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kedar Jha

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

4 18-05-2023 Heard learned counsel for the appellants as well as learned Spl.P.P. for the State.

This appeal has been preferred on behalf of the appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for setting aside the order dated 13.10.2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Madhubani in Rahika P.S. Case No. 172 of 2022, registered for the offences punishable under Sections 341, 323, 324, 325, 307, 354(B), 379, 384, 385, 504, 506/34 of the Indian Penal Code & Section 3(i)(R)(s)(wi) (wii) 3(2)(v) of SC and ST (Prevention of Atrocities) Act, whereby the prayer for bail of the appellants has been rejected.

As per allegation, the named accused person along with



15-20 persons assaulted the informant and while assaulting they were uttering *chor-chor*. They abused the informant in filthy words by calling his caste name.

The learned counsel for the appellants has submitted that from bare perusal of the FIR shows itself that the provisions of SC/ST is not attracted. The appellants are the persons of clean antecedents and they are not named in the FIR and they are under custody since 20.09.2022.

In these circumstances, the provisions of SC/ST Act is not attracted prima facie. As such, the appeal is allowed and the impugned order dated 13.10.2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Madhubani is set aside.

Accordingly, the appellants above-named, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Madhubani in connection with Rahika P.S. Case No. 172 of 2022.

(Nawneet Kumar Pandey, J)

Sudha/Sonali

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