

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4328 of 2022

Arising Out of PS. Case No.-474 Year-2022 Thana- BIDUPUR District- Vaishali

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1. KRISHNA KUMAR RAI @ BIRU RAI @ KRISHAN NANDAN RAI Son of Ajay Ray R/v- Kutubpur, P.S.- Bidupur, District- Vaishali
 2. RAVI KUMAR @ RAIJI Son of Ajay Ray R/v- Kutubpur, P.S.- Bidupur, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. Dhananjay Kumar Pandey, at present A.S.I. cum officer in charge of Bidpur Police Station P.S.- Bidupur, District- Vaishali, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rupa Kumari, Adv.

For the Respondent/s : Mr.Usha Kumari 1, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-07-2023 1. Heard learned counsel for the appellants, the State and respondent no.2.

2. The present appeal is directed against the order dated 15.11.2022, passed in a case registered for the offence punishable under Sections 147, 148, 149, 341, 342, 353, 427, 379, 414, 188, 337, 338, 504, 506 of the Indian Penal Code read with Sections 3 (1) (r) (s) (2) (va) of the SC/ST Act and Section 56 of Bihar Mining Act, whereby anticipatory bail of the appellants has been rejected.



3. As per the prosecution case, in brief, is that while seized tractor was being taken to the police station, all the accused persons including these appellants and 40-45 unknown persons obstructed the police officials in discharge of their official duty and also assaulted and abused the Chowkidar by taking his caste name.

4. It is submitted that the appellants have falsely been implicated in this case. There is no specific overt act is alleged against these appellants. Insult caused to the respondent no.2 is not based on the caste, as such, no case under SC/ST Act is made out. Similarly situated co-accused persons have already granted bail by this Court vide order dated 24.06.2023 in Cr. Appeal (SJ). No. 4287 of 2022. Appellants claim clean antecedent.

5. Learned counsel for the state and respondent no.2 opposed the prayer for bail.

6. Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 15.11.2022 is set aside.

Accordingly, in the event of arrest or surrender the appellant, above named, before the court below within eight



weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court of Special Judge-SC/ST, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 474 of 2022, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Prabhat Kumar Singh, J)

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