

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.41 of 2023

Arising Out of PS. Case No.-69 Year-2022 Thana- SC/ST District- Samastipur

1. MANISH KUMAR RAY Son of Sajjan Ray Resident of village - Raghunathpur, P.S.- Warisnagar, District- Samastipur.
2. Navneet Kumar Son of Sajjan Ray Resident of village - Raghunathpur, P.S.- Warisnagar, District- Samastipur.
3. Amarjeet Kumar Son of Suresh Ray R/o Babupur, P.S.- Warisnagar, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 28-06-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

In view of the earlier order dated 03.05.2023, the informant was informed about his appearance in this case by the learned Special P.P. for the State, but nobody has entered appearance on his behalf.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 15.11.2022, passed by learned Special Judge, SC/ST (POA) Act,



Samastipur in connection with Samastipur SC/ST P.S. Case No.69 of 2022, registered under Sections 341, 323, 354, 420, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) (w)/3(2)(va) of the SC/ST Act.

The appellants are said to have assaulted the informant and her husband. It is also alleged that appellants have abused the informant and her husband by naming their caste.

Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that occurrence took place on 29.08.2022, but the FIR was lodged on 09.09.2022 after delay of more than ten days without giving any explanation which creates a serious doubt about the veracity of the prosecution case.

Learned Special P.P. for the State opposed the prayer for grant of anticipatory bail to the appellants.

Considering the delay in lodging the FIR, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks



from today, be released 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 Court of Special Judge, SC/ST (POA) Act, Samastipur in connection with Samastipur SC/ST P.S. Case No.69 of 2022, subject to the conditions 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)

S.KUMAR/-

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