

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.118 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- KUDRA District- Kaimur (Bhabhua)

1. MUNENDRA RAI Son of Baijnath Rai R/v- Turki, P.S.- Kudra, District- Kaimur (Bhabhua)
2. MINTU RAI @ KRISHNANAND RAI Son of Late Amrendra Rai R/v- Turki, P.S.- Kudra, District- Kaimur (Bhabhua)
3. BINIT RAI Son of Birendra Rai R/v- Turki, P.S.- Kudra, District- Kaimur (Bhabhua)
4. MURLI RAI @ ABHISHEK RAI Son of Manoj Rai R/v- Turki, P.S.- Kudra, District- Kaimur (Bhabhua)

... .. Appellant/s

Versus

THE STATE OF BIHAR.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Amrendra Narayan Rai, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Informant	:	Mr. Tribhuwan Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-05-2023 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant.

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 29.11.2022, passed by learned Additional Sessions Judge-I, Kaimur at Bhabhua in connection with Kudra P.S. Case No.297 of 2022, registered under Sections 147, 148, 341, 323, 504, 506



and 308 of the Indian Penal Code and Sections 3(i)(r)(s)/3(2) (va) of the SC/ST Act.

The accusation against the appellants and other co-accused persons is of abusing the informant by naming his caste. It is also alleged that the accused persons assaulted the informant and others.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellant no.1 has got one criminal antecedent and rest of the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that the Circle Officer of Kudra had earlier lodged a case against the informant's side and thereafter the present case has been lodged by the informant. It is also submitted that no specific overt act is alleged against the appellants.

Learned Special P.P. for the State assisted by learned counsel for the informant opposed the prayer for grant of anticipatory bail to the appellants.

Having considered the facts aforesaid, 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 Additional Sessions Judge-1, Kaimur at Bhabhua in connection with Kudra P.S. Case No.297 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)

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