

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.316 of 2024

Arising Out of PS. Case No.-809 Year-2023 Thana- MANER District- Patna

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1. Aryan Raj @ Aryan Rai Son Of Avdhesh Prasad Singh Resident Of Village- Wajidpur, Ps- Maner, Distt- Patna
 2. Rakesh Kumar Son Of Avdhesh Prasad Singh Resident Of Village- Wajidpur, Ps- Maner, Distt- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Ramnath Ram Son Of Kheshari Ram Resident Of Village- Wajidpur, Po- Bayapur, Ps- Maner, Distt- Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Akash Kumar Mishra, Adv.
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-09-2024 Despite filing *Vakalatnama*, no one appears on behalf of the respondent No. 2.

2. Heard learned counsel for the appellants and learned Spl. Public Prosecutor appearing on behalf of the State.

3. This appeal has been filed against the order dated 20.12.2023 passed by learned Exclusive Special Court, SC/ST Act, Patna in connection with A.B.P. No. 11378 of 2023 arising out of Maner P.S. Case No. 809 of 2023, registered under Sections 341, 323, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of appellants has been rejected.

4. As per prosecution case, on 12.11.2023, all the F.I.R. named accused persons including these appellants entered the premises of school on the occasion of Laxmi Puja and started abusing informant by caste name and threatened by dire consequences. Thereafter on 13.11.2023, all the accused persons assaulted brother and son of informant.

5. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case due to dirty village politics. Further submission is that both parties are co-villagers. Allegation of assault and abuse is general and omnibus. No specific over act is alleged against the appellants. It is not the case of prosecution that any member of the public was present at the time of incidence, as such, no offence under SC/ST Act is made out. Appellants claim clean antecedent.

6. Learned Spl. Public Prosecutor for the State opposes the bail application and submits that appellants are named in the First Information Report with allegation of assault and abuse.

7. Considering the aforesaid facts and circumstances of the case, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be



enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Patna in connection with A.B.P. No. 11378 of 2023 arising out of Maner P.S. Case No. 809 of 2023.

8. Accordingly, the impugned order dated 20.12.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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