

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1761 of 2024

Arising Out of PS. Case No.-251 Year-2023 Thana- TAJPUR District- Samastipur

1. Amarjeet Ray Son Of Laljit Ray Resident Of Village- Kaua Jorpura, Ps- Tajpur (HALAI Op), Dist- Samastipur
2. Ravi Ray @ Ravi Kumar Son Of Satto Ray Resident Of Village- Kaua Jorpura, Ps- Tajpur (HALAI Op), Dist- Samastipur
3. Rahul Ray @ Rahul Kumar Son Of Late Rajendra Ray Resident Of Village- Kaua Jorpura, Ps- Tajpur (HALAI Op), Dist- Samastipur
4. Vinod Ray @ Binod Ray Son Of Jaykant Ray Resident Of Village- Kaua Jorpura, Ps- Tajpur (HALAI Op), Dist- Samastipur
5. Vipin Ray @ Bipin Kumar Son Of Sakal Ray Resident Of Village- Kaua Jorpura, Ps- Tajpur (HALAI Op), Dist- Samastipur
6. Ramesh Ray @ Ramesh Kumar Son Of Ram Vilas Ray Resident Of Village- Kaua Jorpura, Ps- Tajpur (HALAI Op), Dist- Samastipur
7. Subhash Ray @ Subhash Kumar Son Of Sakindra Ray Resident Of Village- Kaua Jorpura, Ps- Tajpur (HALAI Op), Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Kalawa Devi Wife Of Goni Paswan Resident Of Village- Kaua Jorpura, Ps- Tajpur (Halai Op), Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Surya Narayan Roy, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. P.P.
		Mr. Chandra Bhushan Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-10-2024 Heard learned counsel for the appellants, learned Special P.P. for of the State and learned counsel appearing on behalf of Respondent No. 2.

2. This appeal has been filed against the order dated 12.03.2024 passed by learned Special Judge, SC/ST Act, Samastipur in connection with Tajpur P.S. Case No. 251 of



2023, registered under Sections 147, 149, 447, 341, 323, 379, 354, 427, 504, 506 of the Indian Penal Code and Sections 3(1)(r)(s)(w), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on 08.05.2023 at about 8 PM, all the accused persons including these appellants abused informant by caste name and also assaulted her and thereafter, committed theft of articles and cash of Rs. 50,000/- from informant’s shop.

4. Learned counsel for the appellants submits that present case is counter blast of Tajpur P.S. Case No. 250 of 2023, lodged from appellants’ side against informant & others. Allegation of assault is general and omnibus and no specific overt act has been alleged against these appellants. F.I.R. does not disclose that at the time of occurrence, any member of the public was present and as such, no offence under the SC/ST Act is made out against these appellants. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the appeal.



6. However, considering the aforesaid facts and circumstances of the case as well as the rival submissions advanced on behalf of the parties, the impugned order dated 12.03.2024 is, hereby, set aside and this criminal appeal is allowed.

7. 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 Special Judge, SC/ST Act, Samastipur in connection with Tajpur P.S. Case No. 251 of 2023.

(Prabhat Kumar Singh, J)

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