

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1931 of 2023

Arising Out of PS. Case No.-1168 Year-2022 Thana- DANAPUR District- Patna

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VIJAY RAI @ VIJAY KUMAR S/O SUDARSHAN PRASAD YADAV @
SUDARSHAN RAI R/O Moh- Nasriganj, Biscuit Factory More, Near Flour
Mill, P.O- Digha, P.S- Danapur, Distt.- Patna.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Pramila Devi W/O Jagarnath Ram R/O Moh- Nasriganj Biscuit Factory
More, Harijan Colony, P.O- Digha, P.S- Danapur, Distt.- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amrendra Kumar
For the Respondent/s : Mr. Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 19-11-2024 1. Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.
2. An order, dated 21.03.2023, passed by learned Exclusive
Special Judge SC/ST, Patna, in ABP No. 10353 of 2022,
is under challenge in the present appeal preferred under
Section 14-A (2) of the Schedule Caste and Schedule
Tribes (Prevention of Atrocities) Act, 1989, whereby the
anticipatory bail application of the appellant in
connection with Danapur Police Station Case No. 1168 of
2022 registered for the offence punishable under Sections
286/435/341/323/307/504 of the Indian Penal Code,
Section 27 of the Arms Act and Sections 3 (1)(r)(s) and



3(2)V of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. Despite service of notice, no one appears on behalf of the respondent no. 2.
4. The prosecution case, as per the First Information Report, is that the appellant, along with other accused persons, assaulted the informant's husband and son by means of lathi, danda, bamboo, etc., and other accused persons resorted to firing. He next submits that the occurrence has allegedly taken place on 25.10.2022, when the informant objected the accused persons from using the fire crackers lest his hut may catch fire.
5. Learned counsel for the appellant submits that both the parties are co-villagers and there is no allegation of hurling caste based abuse to the informant and her family members. The occurrence has taken place on the day of Diwali, when the informant objected regarding use of fire crackers in the locality. He next submits that no serious injuries has been caused to the victims and some of the accused persons have been granted regular bail by the concerned Court below.
6. Having regard to the submissions made on behalf of the



parties and taking into consideration the nature of allegation and the fact that both the parties are co-villagers, the alleged occurrence has taken place regarding use of fire crackers on Diwali and allegation against the appellant is general and omnibus in nature, I am inclined to grant the appellant privilege of anticipatory bail.

7. This appeal is, accordingly, allowed and the order, dated 21.03.2023, passed by learned Exclusive Special Judge, SC/ST, Patna, in ABP No. 10353 of 2022, is set aside.
8. Let the appellant, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Patna, in connection with Danapur Police Station Case No. 1168 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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