

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2775 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- SAHPUR District- Patna

Chhotan Rai S/O Devi Rai R/O Village- Bhagwatipur, PS.Shahpur, Dist. Patna

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rakesh Kumar Chaudhary Late Awadhesh Prasad R/V- Bhagwatipur, P.O.- Shahpur, P.S.-Shahpur, Dist-Patna.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr.Virendra Kuar, Adv.
For the State	:	Mr.Sadanand Paswan,Spl.PP
For Respondent-2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 22-11-2024 Heard learned counsel for the appellant and learned Special P.P. for of the State. Despite valid service of notice, nobody appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated 03.01.2023 passed by learned Special Judge, SC/ST Act, Patna in connection with Shahpur P.S. Case No. 222 of 2022, registered under Sections 341, 323, 342, 307, 504, 506, 385, 34 of the Indian Penal Code, Sections 25(1-B)a, 27 of the Arms Act and Section 3(1)(r)(s)w(ii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellant has been



rejected.

3. As per the FIR, on 20.05.2022 at about 5 AM while the informant was walking, all the accused persons including the appellant came and fired upon the informant but the same did not hit the target. Thereafter, informant was assaulted with lathi and butt of the pistol. It is further alleged that when wife and children of the informant tried to save informant, accused persons abused them by caste name and also tore clothes of the wife of the informant.

4. Learned counsel for the appellant submits that though, there is allegation of assault, but there is no injury report on record. He further submits that it is not the case of the informant that at the time of alleged occurrence, any public was present and as such, no case under the SC/ST Act is made out. Similarly situated co-accused Ankit Kumar, vide order dated 26.04.2023 in Cr.Appeal (SJ) No. 4186/2022, and Subodh Rai, vide order dated 12.07.2023 in Cr.Appeal (SJ) No. 957/2023, have already been granted anticipatory bail by this Court.

5. Learned Spl. Public Prosecutor for the State and vehemently opposes the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 03.01.2023 is, hereby,



set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of arrest or surrender within a period of eight weeks from today, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Shahpur P.S. Case No. 222 of 2022.

(Prabhat Kumar Singh, J)

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