

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2910 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- KHAIRA District- Saran

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1. BHAWANI RAI @ ATIBAL RAI @ ATIBAR RAY S/O LATE RADHEY BHAGAT R/O Village- Baldihan, P.S- Khaira, Distt.- Saran at Chapra.
 2. Niraj Kumar Rai @ Niraj Kumar S/O Harendra Rai R/O Village- Baldihan, P.S- Khaira, Distt.- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chandan Kumar Manjhi S/O Shri Ashok Kumar R/O Village- Baldihan, P.S- Khaira, Distt.- Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dewendra Narayan Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-02-2024 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

2. Learned Special Public Prosecutor for the State has informed that in compliance of the order dated 22.11.2023, he has informed the informant but none is present on his behalf.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 02.05.2023 passed by learned 3rd Additional Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection



with Khaira P.S. Case No. 49 of 2023 registered under Sections 341, 323, 504, 506 & 354/34 of the Indian Penal Code and Section 3(1) (r) (s) & 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. All the F.I.R. named accused persons including these appellants together are said to have abused the informant by using his caste name and also assaulted him.

5. It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. There is no allegation of slating the informant in the specific name of his caste. Hence, no offence under Section SC/ST Act is made out against the appellants. It is further submitted that the parties have compromised the matter and a compromise petition has been annexed as Annexure-2 to this appeal. Appellants have no criminal antecedent as mentioned in para-3 of memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case as well as the fact that the parties have compromised the matter, let the above named appellants, in the event of their arrest or surrender



before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Addl. Sessions Judge cum Special Judge (SC/ST Act), Saran at Chapra in connection with Khaira P.S. Case No.49 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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