

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3160 of 2023

Arising Out of PS. Case No.-507 Year-2022 Thana- GAIGHAT District- Muzaffarpur

1. VIJAY RAY @ VIJAY KUMAR S/O KOPI RAY R/O Village- Rampatti, P.S- Gaighat, Distt.- Muzaffarpur.
2. Raj Kumar Ray S/O Pradeep Ray R/O Village- Rampatti, P.S- Gaighat, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Girish Chandra Jha, Advocate
For the State	:	Ms. Usha Kumari 1, , Spl.PP
For the Informant	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 12-09-2024 Heard learned counsels for the parties.

2. No one appears on behalf of the informant.

3. This appeal has been filed for setting aside order dated 20.03.2023, passed in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 504, 506, 379 and 307 of the Indian Penal Code and Section 3(i)(r) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

4. As per the prosecution case, these appellants, along with other accused persons named in the F.I.R., are alleged to have assaulted informant with iron rod and butt of



pistol.

5. It is submitted by learned counsel appearing on behalf of the appellants that appellants are innocent and have falsely been implicated in this case. Doctor has found the injuries allegedly caused by these appellants to be simple in nature. From bare perusal of the F.I.R. it is apparent that no member of public was present at the time of occurrence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against these appellants. Appellants claim clean antecedents.

6. On the other hand, learned S.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to these appellants.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 20.03.2023 passed by the Court of learned Additional District and Sessions Judge-1-cum-Special Judge, SC/ST Act, Muzaffarpur, in connection with A.B.P. No. 695 of 2023 is hereby set aside with respect to these appellants only.

8. Accordingly, let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged 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 Additional Sessions Judge 1st-cum-Special Judge, SC/ST Act, Muzaffarpur,, in connection with Gaighat P.S. Case No. 507 of 2022.

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

