

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3199 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- BIKRAM District- Patna

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1. Parshuram Rai @ Pashuram Rai Son Of Late Shri Ram Rai Resident Of Village- Chaurasi Suarmarwa, Ps- Maner , Distt- Patna
 2. Daroga Rai Son Of Late Ramjash Rai Resident Of Village- Chaurasi Suarmarwa, Ps- Maner, Distt- Patna
 3. Ram Ekbal Rai Son Of Late Dhaneshar Rai Resident Of Village- Math Baliyari, Ps- Bikram, Distt- Patna
 4. Surya Dev Yadav D@ Surya Dev Kumar @ Yadav Son Of Late Hazari Prasad Resident Of Village- Gulami Chak, Ps- Dulhin Bazar, Distt- Patna
 5. Shiv Dutt Rai @ Shividatt Kumar Son Of Late Punjabi Rai Resident Of Village- Girwari Tola, Ps- Bikram, Distt- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Hemanti Devi Wife Of Subhash Paswan Resident Of Village- Math Baliyari, Ps- Bikram, Distt- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Sinha, Adv.
For the Respondent/s	:	Ms. Usha Kumari 1, Spl. P.P.
		Mr. Ram Prakash Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 09-05-2024 Heard the parties.

2. This appeal has been filed against the order dated 01.06.2023 passed by I/C Special Judge, SC/ST (PoA) Act, Patna in connection with A.B.P. No. 2265 of 2023 arising out of Bikram P.S. Case No. 12 of 2023, registered under Sections 147, 148, 341, 323, 379, 504 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for



anticipatory bail of appellants has been rejected.

3. It is alleged that co-accused Uday Rai, Manish Kumar, Vijay Rai and Sanjay Rai entered inside the house of the informant and assaulted the female persons and snatched away golden *Jitiya* from female persons and also abused them by their caste name and threatened to ruin them. It is further alleged appellant nos. 2 and 4 set fire in the heap of rice crops.

4. Learned counsel for the appellants submits that appellants are innocent and have falsely been implicated in the present case due to ill motive. Further submission is that from perusal of the F.I.R., there is no allegation of abuse or assault against these appellants. The only allegation against the appellant nos. 2 and 4 is that they set fire in the heap of rice crops as per instigation of co-accused Uday Rai, Sanjay Rai and Vijay Rai. The present case is counter blast of Bikram P.S. Case No. 13 of 2023 which was lodged by the son of co-accused Rabindra Rai against the informant and others. There is no allegation of abuse by caste name against these appellants, as such, no offence under SC/ST Act is made out against them. Appellants claim clean antecedent.

5. Learned Spl. Public Prosecutor for State and learned



counsel for the respondent no. 2 oppose the bail application.

6. Considering the submissions made above, let the appellants, as named above, in the event of their arrest/surrender within a period of six 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 I/C Special Judge, SC/ST (PoA) Act, Patna in connection with A.B.P. No. 2265 of 2023 arising out of Bikram P.S. Case No. 12 of 2023.

7. Accordingly, the impugned order dated 01.06.2023 is set aside and this criminal appeal is allowed.

(Prabhat Kumar Singh, J)

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