

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3086 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- DHANARUA District- Patna

1. Ritikesh @ Raja Babu @ Risikesh @ Risikesh Kumar S/o Raju Malakar R/o vill - Sanda, P.S. - Dhanrua, Distt. - Patna
2. Gaurav Kumar S/o Ranjay Kumar @ Ranjay Kumar Malakar R/o vill - Sanda, P.S. - Dhanrua, Distt. - Patna
3. Sakti Kumar S/o Chandra Shekhar Malakar R/o vill - Sanda, P.S. - Dhanrua, Distt. - Patna
4. Sanjeev Kumar S/o Lalji Mahto R/o vill - Sanda, P.S. - Dhanrua, Distt. - Patna
5. Ravi Ranjan Kumar @ Pandiji S/o Lalji Mahto R/o vill - Sanda, P.S. - Dhanrua, Distt. - Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Sheo Nandan Pandit, Advocate
For the State	:	Ms. Usha Kumari 1, , Spl.PP
For the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-09-2024 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 25.04.2024, passed in a case registered for the offence punishable under Sections 323, 325, 379, 504 and 506 of the Indian Penal Code and Sections 3(i)(r)(s) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

3. The prosecution case in brief is that on



26.02.2024, while the informant was sitting in tempo stand, in the meanwhile, all the F.I.R. named accused persons, including these appellants, came there and started abusing the informant by caste name and assaulted informant and his nephew with butt of pistol.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are innocent and have falsely been implicated in this case. As a matter of fact, on the alleged date and time of occurrence, a simple altercation took place between children of the parties in course of playing in the fields. Moreover, it is not the case of the prosecution that any member of public was present at the time of incidence and as such, no case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out. Appellants claim clean antecedents.

5. On the other hand, learned S.P.P. appearing on behalf of the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to these appellants and submitted that appellants are named in the F.I.R..

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated



25.04.2024 passed by the Court of learned Exclusive Special Judge, Schedule Caste and Schedule Tribe Act, Patna, in connection with A.B.P. No. 957 of 2024 is hereby set aside with respect to these appellants only.

7. 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 Exclusive Special Judge, SC/ST Act, Patna, in connection with Dhanrua P.S. Case No. 47 of 2024.

(Prabhat Kumar Singh, J)

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