

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4235 of 2023

Arising Out of PS. Case No.-181 Year-2023 Thana- DIGHWARA District- Saran

1. ASOKH RAI @ ASHOK RAY SON OF KAMAL RAY @ KAMALDEO PRASAD YADAV RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
2. VIKRAM RAI SON OF KAMAL RAY @ KAMALDEO PRASAD YADAV RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
3. CHANDAN RAI SON OF LATE PARMA RAI RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
4. ROHIT RAI @ RAUHIT RAI SON OF LATE PARMA RAI RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
5. NIRANJAN RAI @ DHANANJAY RAI @ DHARJAN RAI SON OF LATE PARMA RAI RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
6. NEERAJ RAI SON OF SURESH RAI RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
7. RAHUL RAI @ RAHUL KUMAR SON OF PARMA RAI RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
8. NEERAJ SAH @ NEERAJ KUMAR SON OF DEVI SAH RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
9. NAGENDRA RAI @ NAGENDRA KUMAR SON OF SAHENDRA RAI RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
10. BINOD RAI SON OF DASHRATH RAI RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
11. SAROJ RAI @ AJAY KUMAR RAI SON OF POLICE RAI RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
12. BALESHWAR RAI SON OF RUDAL RAI RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
13. SAYA KUMAR RAI @ SACHEHA KUMAR SON OF DASHRATH RAI RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
14. SUNNY KUMAR RAI @ ASHUTOSH KUMAR @ SUNY KUMAR SON OF LATE GUDDU RAI @ RABINDRA RAI RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA, DISTRICT - SARAN AT CHAPRA



(BIHAR)

- 15. GOLU KUMAR RAI @ PRINCE KUMAR SON OF BALI RAI
RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA,
DISTRICT - SARAN AT CHAPRA (BIHAR)
- 16. VICKY KUMAR @ VICKY RAI SON OF ASOKH RAI @ ASHOK RAY
RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA,
DISTRICT - SARAN AT CHAPRA (BIHAR)
- 17. MANISH KUMAR RAI @ MANISH RAI SON OF CHANDRIKA RAI @
CHANIDAKA RAI RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. -
DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)
- 18. VIKASH KUMAR SON OF CHANDRIKA RAI @ CHANIDAKA RAI
RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. - DIGHWARA,
DISTRICT - SARAN AT CHAPRA (BIHAR)
- 19. BHAJAN RAI @ BIR BHAJAN KUMAR SON OF HARI RAI @
HARIHAR RAI RESIDENT OF VILLAGE - RAMDAS CHAK, P.S. -
DIGHWARA, DISTRICT - SARAN AT CHAPRA (BIHAR)

... .. Appellant/s

Versus

- 1. THE STATE OF BIHAR
- 2. BHUNESHWAR PASWAN SON OF JHAM LAL PASWAN RESIDENT
OF VILLAGE - TRILOK CHAK, P.S. - DIGHWARA, DISTRICT -
SARAN AT CHAPRA (BIHAR)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rakesh Kumar
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 405-12-2024
- 1. Heard learned counsel for the appellants and learned
Additional Public Prosecutor for the State.
 - 2. An order, dated 28.07.2023, passed by learned Additional
Sessions Judge III -cum- SC/ST/MP/MLA Judge, Saran at
Chapra, in ABP No. 181 of 2023, is under challenge in
the present appeal preferred under Section 14-A (2) of the
Schedule Caste and Schedule Tribes (Prevention of



Atrocities) Act, 1989, whereby the anticipatory bail application of the appellant in connection with Dighwara Police Station Case No. 181 of 2023 registered for the offence punishable under Sections 341/323/307/379/504/506/34 of the Indian Penal Code and Sections 3(1)(r)(s) and 3(2)(va) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

3. The prosecution case, as per the First Information Report, is that on 19.05.2023, in the morning, while the informant was at his home, the appellants, alongwith other accused persons, armed with danda, iron rod, lathi, country-made pistol, etc. entered into the house of the informant, assaulted him and his family members and also abused them by their caste name.
4. Learned counsel for the appellants submits that the appellants have been made accused with oblique motive at the behest of their enemies due to village politics. He next submits that the allegation of using the caste name is not in full public view, rather, it has been said that the appellants came at the house of the informant and abused him and his family members. From perusal of the First



Information Report, it appears that there was no intention to humiliate the informant and his family members. He further submits that injuries caused to the informant and others are simple in nature and no serious injuries have been caused to the informant and others.

5. Despite information having been given by learned Special Public Prosecutor, no one appeared on behalf of the respondent no. 2.
6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that caste name was not taken in full public view and injuries caused to the informant and others are simple in nature, I am inclined to grant the appellants privilege of anticipatory bail.
7. This appeal is, accordingly, allowed and the order, dated 28.07.2023, passed by learned Additional Session Judge III -cum- SC/ST/MP/MLA Judge, Saran at Chapra, in ABP No. 2253 of 2023, is set aside.
8. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released 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
Session Judge III -cum- SC/ST/MP/MLA Judge, Saran at
Chapra, in connection with Dighwara Police Station Case
No. 181 of 2023, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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