

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.4243 of 2023**

Arising Out of PS. Case No.-204 Year-2023 Thana- BAKHARI District- Begusarai

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1. Rakesh Rai Son Of Sri Rajendra Rai Resident Of Village Darhathansingh, Ps Bakhri, District Begusarai
  2. Manish Kumar @ Banti Son Of Sri Rajendra Rai Resident Of Village Darhathansingh, Ps Bakhri, District Begusarai
  3. Niraj Kumar @ Niraj Mahto Son Of Ram Udgar Mahto Village- Bagban, Ward No. 4, Ps- Bakhri, Dist- Begusarai

... .. Appellant/s

Versus

1. The State Of Bihar
2. Rajesh Kumar Son Of Kaleshwar Sadda Village- Simbari, Panchayat- Bagban, Ward No. 4, Ps- Bakhri, Dist- Begusarai

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Shaishav Kumar  
For the Respondent/s : Mr.Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

4      31-01-2024              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/complainant but none is present on his/her behalf.

3. This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the ‘SC/ST Act’) against the refusal of prayer for bail vide order dated 24.08.2023, passed by learned Exclusive Special Judge, SC/ST



Act, Begusarai in connection with Bakhri P.S. Case No. 204 of 2023, registered under Sections 341, 323, 504, 506 of the IPC, 27 of the Arms Act and Sections 3(i) (r) (S)/3(2)(va) of SC/ST Act.

4. Appellants along with other accused persons are said to have assaulted the informant. They abused him by taking caste name and also fired with arms and threatened on mobile.

5. It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case. He submits that occurrence took place on 14.07.2023 but FIR has been lodged on 18.07.2023 and there is no explanation for delay which creates serious doubt about the prosecution case. He submits that there is no specific overt act against the appellants to abuse the informant by taking caste name. He submits that there is general and omnibus allegation levelled against the appellants. He further submits that appellant nos. 1 and 3 have seven criminal antecedent and appellant no. 2 has one criminal antecedent as stated in para-3 of this appeal.

6. However, learned Special P.P. for the State opposes the prayer for bail.

7. Considering the facts and circumstances of the case and the fact that there is no specific overt act against the



appellants, 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 Exclusive Special Judge, SC/ST Act, Begusarai in connection with Bakhri P.S. Case No. 204 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 the appeal is allowed.

**(Anjani Kumar Sharan, J)**

devendra/-

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