

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4268 of 2023

Arising Out of PS. Case No.-500 Year-2021 Thana- SHAHPUR PATORI District- Samastipur

1. Fakira Ray Son Of Ram Chandra Ray Village- Chandpura, Ps- Shahpur Patory, Dist- Samastipur
2. Balram Ray @ Balram Kumar Ray Son Of Fakira Ray Village- Chandpura, Ps- Shahpur Patory, Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Sundeahwar Ram Wife Of Pradip Ram Village- Chandpura, Ps- Shahpur Patory, Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jitendra Narain Sinha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-02-2024 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 01.11.2023, 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 14.07.2023, passed by learned Special Judge (SC/ST Act), Samastipur in connection with Patory (Shahpur Patory) P.S.



Case No. 500 of 2021, registered under Sections 147, 341, 323, 385, 504, 506 of the IPC and Sections 3(i) (r) (s) of SC/ST Act.

4. Appellants are said to have assaulted and abused the informant by taking his caste name.

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 there is general and omnibus allegation levelled against the appellants. He submits that occurrence took place on 17.12.2021 but FIR has been lodged on 24.12.2021 and there is no explanation for delay which creates serious doubt about the prosecution case. He submits that no such occurrence took place in the manner as alleged rather the present case has been filed to make out a defence in Patory P.S. Case No. 499 of 2021 lodged by the co-accused against the present informant. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

6. However, learned APP 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 Special Judge (SC/ST Act), Samastipur in connection with Patory (Shahpur Patory) P.S. Case No. 500 of 2021, 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)

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