

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4348 of 2023

Arising Out of PS. Case No.-148 Year-2023 Thana- JALALPUR District- Saran

=====

GANESH RAY S/O LATE CHHATHU RAY VILLAGE- KARIYAH, PS.
JALALPUR, DIST. SARAN

... .. Appellant/s

Versus

1. The State of Bihar
2. MANJAY KUMAR RAM S/O LATE SADHU LAL RAM VILLAGE-
KARIYAH, POST OFFICE- RUSSI, PS. JALALPUR, DIST. SARAN,
PIN-841205

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Ankur Prakash Sinha, Adv.
For the Respondent/s	:	Mr. Sadanand Paswan, APP.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-02-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. Learned Spl.PP. for the State submits that vide order dated 01.11.2023, he informed the informant to appear in the present appeal through his counsel, but nobody appears on his behalf.

3. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 23.08.2023 passed by learned Exclusive Special Judge (SC/ST Act), Chapra in connection with Jalalpur P.S. Case No. 148 of 2023 registered under Sections 147, 148,



149, 341, 323, 324, 307, 354(B), 429, 504, 506 of the Indian Penal Code, Section 27 of Arms Act and Section 3(i) (r) (s) (w), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

4. Allegedly, all the accused persons including the appellant are said to have abused the informant's side by taking their caste name and also assaulted them brutally with deadly weapons due to which they sustained injuries.

5. It is submitted by learned counsel for the appellant that appellant is quite innocent and has committed no offence. No such occurrence as alleged ever took place. It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. The allegation of assault and abuse levelled against the appellant is not specific rather general and omnibus in nature. Though the allegation against the appellant to assault one Nagendra Ram on his head with butt of country made pistol, but as per the injury report, the injury of Nagendra Ram is simple in nature. Appellant has no criminal antecedent as mentioned in para-3 of this memo of appeal.

6. Learned Spl. PP for the State opposed the prayer for bail.

7. In the facts and circumstances of the case, as there is



general and omnibus allegation of abuse and assault against the appellant and the injury sustained by one Nagendra Ram is found simple in nature, above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (SC/ST Act), Chapra in connection with Jalalpur P.S. Case No. 148 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 this appeal is allowed.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

