

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4552 of 2023**

Arising Out of PS. Case No.-268 Year-2023 Thana- KESARIA District- East Champaran

DHARMENDRA RAI Son of Shiv Jee Rai R/o vill - Ramagya, ward no. 11,
P.O. and P.S. - Kesariya, Distt. - West Champaran

... .. Appellant/s

Versus

1. THE STATE OF BIHAR PATNA
2. Rohit Manjhi Son of Parun Manjhi R/o vill - Khijirpura, ward no. 05, P.s. - Kesariya, Distt. - East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shiv Shankar Prasad Yadav , Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 09-05-2024

Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 11.09.2023 , passed in a case registered for the offence punishable under sections 341, 323, 324, 307, 504, 506 and 34 of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3. As per the F.I.R., allegation against this appellant is that he abused the informant by caste name and assaulted him on his head by means knife .

4. It is submitted on behalf of the appellant that he has falsely been implicated in this case. Allegation of assault



against this petitioner is general and omnibus. Injury allegedly caused by this appellant is simple in nature . It is not the case of the prosecution that any member of public was present at the time of incidence. as such, no case under SC/ST Act is made out.

5. Counsel for the parties oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed with respect to this petitioner only and the impugned order is set aside. Let the appellant, 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 the learned Special Judge, SC/St, East Champaran at Motihari in connection with Kesaria Police Station Case No. 268 of 2023 .

(Prabhat Kumar Singh, J)

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