

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4772 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- SC/ST District- Saran

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1. Madhaw Kumar Son Of Julum Ray Resident Of Village- Haraji, P.S.- Awtar Nagar, District- Saran At Chapra
 2. Rahul Kumar Son Of Julum Ray Resident Of Village- Haraji, P.S.- Awtar Nagar, District- Saran At Chapra
 3. Yogendra Rai Son Of Guruj Ray Resident Of Village- Haraji, P.S.- Awtar Nagar, District- Saran At Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Vijay Kumar Manjhi Son Of Shivpujan Manjhi Resident Of Village- Haraji, P.S.- Awtar Nagar, District- Saran At Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Radha Mohan Singh, Advocate
For the Respondent/s : Mr. Binay Krishna, SPI PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-05-2024 Despite valid service of notice, nobody appears on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 26.09.2023 , passed in a case registered for the offence punishable under sections 341, 323, 504 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (POA) Act, whereby the prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case , on the alleged date



and time of occurrence, appellant No. 3 along with other co-accused persons namely *Harendra Rai* assaulted one *Munna Devi* and *Dil Kumar Manjhi* with lathi and Appellant No. 1 and 2 made indiscriminate firing from their pistol. It is further alleged that they also abused the informant by caste name .

4. It is submitted that wordy quarrel took place between the children of both sides led to the the present occurrence in which both sides sustained injuries. Though there is allegation of firing but nobody sustained injury. Case and counter case. It is not the case of the informant that any member of the public was present at the place of incidence , as such, no case under SC/ST Act is made out.

5. Learned Special Public Prosecutor for the State oppose the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed with respect to these appellants only and the impugned order is set aside. Let the appellants, 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 Exclusive Special Judge, SC/St, Saran at Chapra, in



connection with Saran SC/ST Police Station Case No. 11 of
2023.

(Prabhat Kumar Singh, J)

Koushik/Ankit-

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