

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5205 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- GARKHA District- Saran

Gunjan Rai @ Gunjan Kumar Son Of Sushil Ray @ Sushil Kumar Village-
Tahal Tola P.S- Garkha District- Saran

... .. Appellant/s

Versus

1. The State Of Bihar
2. Umashankar Manjhi Son Of Haribadan Manjhi Resident Of Village-
Barbakpur, Post- Pirauna, Thana- Garkha, Distt- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Akshansh Ankit, Adv.

For the Respondent/s : Mr.Binay Krishna, Spl.P.P.
Mr.Rakesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-11-2024 Heard learned counsel for the appellant, learned
Special P.P. for of the State and learned counsel appearing on
behalf of respondent no. 2.

2. This appeal has been filed against the order dated
10.08.2023 passed by learned Exclusive Special Judge, SC/ST ,
Saran in connection with Garkha P.S. Case No. 197 of 2023,
registered under Sections 147, 148, 149, 323, 324, 380, 448,
504, 506 of the Indian Penal Code, Section 27 of the Arms Act
and Section 3(1)(r)(s)(v) of Scheduled Castes and Scheduled
Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”),
whereby the prayer for anticipatory bail of appellant has been
rejected.



3. As per prosecution case, 12 named and 15 unknown persons armed with rod, sword, farsa and pistol, came to the house of informant and abused and assaulted him and other family members.

4. Learned counsel for the appellant submits that as a matter of fact, informant, his brothers and other accused persons were indulged in selling illicit liquor on the land of the appellant side and on protest, the informant side assaulted appellant and others and also took away Rs.5000/- for which Garkha Police Station Case No. 196/2023 was registered against the informant and others and in order to create defence, informant lodged this false case. Moreover, the injury caused by appellant is simple in nature. It is not the case of the informant that any member of public was present at the time of the incident, as such, no case under SC/ST Act is made out. Similarly situated co-accused persons have been granted anticipatory bail by this Court, vide order dated 18.07.2024 passed in Cr.Appeal (SJ) No. 5240/2023. Appellant claims clean antecedent.

5. Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently opposed the appeal.

6. However, considering the aforesaid facts and



circumstances, the impugned order dated 10.08.2023, so far as this appellant is concerned, is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, in the event of arrest or surrender within a period of eight weeks from today, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST, Saran in connection with Garkha P.S. Case No. 197 of 2023.

(Prabhat Kumar Singh, J)

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