

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5615 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- RAMPUR HARI District- Muzaffarpur

Birendra Ray @ Birendra Kumar @ Virendra Kumar @ Virendra Kumar Ray
Son of Late Ram Shobhit Ray R/o vill - Muksudpur, P.S. - Rampur Hari,
Distt. - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Himanshu Shekhar Son of Rakesh Kumar Paswan R/o vill - Muksudpur, P.S.
- Rampur Hari, Distt. - Muzaffarpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hari Kishore Thakur
For the Respondent/s : Mrs. Usha Kumari I

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 02-05-2024 Heard learned counsel for the appellant and learned
counsel for the informant as well as learned Special Public
Prosecutor for the State.

2. 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 bail *vide* order dated
21.11.2023 passed by the learned Special Judge, SC/ST (POA)
Act, Muzaffarpur in connection with Rampur Hari P.S. Case No.
83 of 2023, registered for the offence/s punishable u/ss 341,
323, 328, 379, 504 and 34 of the Indian Penal Code and Section
3(i)(r)(s) of the SC/ST Act.



3. As per the prosecution case, the appellant and the co-accused persons are alleged have abused the informant by calling his caste name and also assaulted the informant and put the intoxicated substance in his mouth due to which he fainted.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. There is a general and omnibus allegation against the appellant. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The appellant has no criminal antecedent as stated at para 3 of the bail petition. There is delay of 19 days in lodging the F.I.R. and there is no plausible explanation for the same. The injury is found to be simple in nature as stated in para 7 of the petition. The appellant is in custody since 10.11.2023.

5. Learned counsel learned Spl. P.P. for the State as well as learned counsel for the respondent no. 2 have vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated



21.11.2023 passed by the learned Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Rampur Hari P.S. Case No. 83 of 2023 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Rampur Hari P.S. Case No. 83 of 2023.

(Chandra Prakash Singh, J)

Ranjeet/-

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