

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.288 of 2024

Arising Out of PS. Case No.-379 Year-2023 Thana- SARAIYA District- Muzaffarpur

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1. MANTU RAI @ MANTU KUMAR Son of Rajmangal Rai Gram Ginjas, Jaintpur, P.S.-Jaintpur O.P., District-Muzaffarpur, Bihar-843123.
 2. VIKAS RAI @ VIKAS KUMAR Son of Rajmangal Rai Ginjas, Ginjas, P.S.-Jaintpur O.P., District-Muzaffarpur, Bihar-843123.

... .. Appellant/s

Versus

1. The State of Bihar
2. SHAMBHU DAS Son of Late Dasai Das Resident of Village-Ginjas Khaas, P.S.-Jaintpur O.P., District-Muzaffarpur.

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 5007 of 2023

Arising Out of PS. Case No.-379 Year-2023 Thana- SARAIYA District- Muzaffarpur

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1. Niraj Kumar Son Of Nagendra Rai Resident Of Village- Gijas, Ps- Saraiya (JAINTPUR Op), Dist- Muzaffarpur
 2. Dharmendra Kumar Son Of Nagendra Rai Resident Of Village- Gijas, Ps- Saraiya (JAINTPUR Op), Dist- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Shambhu Das Son Of Dashai Das Resident Of Village- Gijas, Ps- Saraiya (jaintpur Op), Dist- Muzaffarpur

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 288 of 2024)

For the Appellant/s : Mr. Kalyan, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

(In CRIMINAL APPEAL (SJ) No. 5007 of 2023)

For the Appellant/s : Mr. Rajiv Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 24-07-2025 Both the aforementioned appeals are being disposed

of by a common order.



2. Despite filing *Vakalatnama*, none appears on behalf of the respondent no. 2.

3. Heard learned counsel for the appellants and learned Spl. Public Prosecutor for the State.

4. Cr. Appeal (SJ) 288 of 2024 has been filed against the order dated 10.11.2023 passed by learned Exclusive Special Court, SC/ST Act, Muzaffarpur in ABP No. 3908 of 2023 and Cr. Appeal (SJ) 5007 of 2023 has been filed against the order dated 26.09.2023 passed by learned Special Judge SC/ST (POA) Act, Muzaffarpur in ABP No. 3452 of 2023, both arising out of Saraiya P.S. Case No. 379 of 2023, registered under Sections 147, 148, 149, 323, 427, 307, 302, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s), 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

5. As per prosecution case, on 16.06.2023 at 6 AM, all the F.I.R. named accused persons, including these appellants, uprooted bamboo fencing from the land of informant and broke his straw house. When informant and his younger brother reached the spot, all the accused persons abused them by caste name and co-accused Dikesh Kumar brutally assaulted them as a result of which, younger brother of the informant died.



6. Learned counsel for the appellants submits that from bare perusal of the F.I.R. it is apparent that specific accusation of assaulting the deceased is against co-accused Dikesh Kumar. So far these appellants are concerned, allegation of assault is general and omnibus. Post-mortem report of the deceased reveals that the deceased received laceration and abrasion injuries whereas, as per F.I.R., these appellants are alleged to have assaulted by means of *lathi*. Moreover, it is not the case of informant that alleged incident occurred within public view, as such, no offence under SC/ST Act is made out against appellants. Appellants claim clean antecedent.

7. Learned Spl. Public Prosecutor for the State vehemently opposed the bail application.

8. Considering the aforesaid facts and circumstances of the case, let the appellants, as named above, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, SC/ST Act, Muzaffarpur in ABP No. 3908 of 2023 and learned Special Judge SC/ST (POA) Act, Muzaffarpur in ABP No. 3452 of 2023 arising out of Saraiya P.S. Case No. 379 of 2023.



9. Accordingly, these criminal appeals are allowed and impugned orders dated 10.11.2023 and 26.09.2023 are set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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