

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1249 of 2024

Arising Out of PS. Case No.-93 Year-2023 Thana- MAKER District- Saran

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DIPAK KUMAR SON OF LATE VISHU MOHAN RAY @
VISHWAMOHAN RAY RESIDENT OF VILLAGE - CHAKIYA, P.O. -
MAKER, DISTRICT - SARAN AT CHAPRA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. SANOJ KUMAR SON OF MAHESH RAM RESIDENT OF VILLAGE -
KASABA MAKER ANJANI, P.S. - MAKER, DISTRICT - SARAN AT
CHAPRA

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Udai Shankar Singh, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-04-2025 Heard learned counsel appearing for the appellant and

learned Special Public Prosecutor appearing for the respondent-

State.

2. Despite valid service of notice, no body appears on
behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order
dated 19.01.2024, passed in a case registered for the offence
punishable under Sections 341, 323, 324, 504 and 506 of the
I.P.C. and Sections 3(i)(r)(s) and 3(2)(va) of the Scheduled
Castes and Scheduled Tribes (Prevention of Atrocities) Act,
1989, whereby prayer for anticipatory bail of the appellant has



been rejected.

4. As per the prosecution case, on 22.05.2023 at 9 PM the *Dwarpuja* was going on in the marriage of daughter of one Dasais Ram. DJ was also playing. At the same time, all the F.I.R. named accused persons, including this appellant, together arrived and began to play obscene songs. On protest, they together began to assault informant/Respondent No.2 with legs, fists and abused him by his caste name.

5. It is submitted by learned counsel appearing on behalf of the appellant that the appellant is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that a free fight took place between the parties over petty dispute of playing songs on DJ. Doctor has found the injured, allegedly caused by this appellant, to be simple in nature. There are general and omnibus allegations and there is no specific accusation of overt act against this appellant. It is further submitted that it is not the case of the prosecution that any member of the public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against this appellant. Appellant claims clean antecedents.

6. Learned Spl. P.P. appearing for the respondent-State



has opposed the prayer for grant of bail to the appellant.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 19.01.2024 passed by the learned SC/ST Exclusive Special Judge, Chapra, Saran in connection with A.B.P. No. 190 of 2024 arising out of Maker P.S. Case No. 93 of 2023 is hereby set aside with respect to this appellant only.

8. Accordingly, 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) with two sureties of the like amount each to the satisfaction of learned SC/ST Exclusive Special Judge, Chapra, Saran in connection with A.B.P. No. 190 of 2024 arising out of Maker P.S. Case No. 93 of 2023.

(Prabhat Kumar Singh, J)

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