

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1391 of 2024

Arising Out of PS. Case No.-1005 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Anup Kumar @ Anup Kumar Rai Son of Ramesh Rai Resident of Village- Yamuna Tola, Police Station- Muffasil (Chapra), District- Saran
2. Dhiraj Kumar Rai S/O Sadhu Rai Resident of Village- Yamuna Tola, Police Station- Muffasil (Chapra), District- Saran
3. Sandeep Kumar Rai S/O Ramesh Rai Resident of Village- Yamuna Tola, Police Station- Muffasil (Chapra), District- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Hare Ram Son of Late Adalat Ram Resident of Village- Mahto Musehari, P.S.- Muffasil, Dist.- Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Avnish Kumar Singh,Adv.
For the Respondent/s	:	Mr.Binay KrishnaSpl.PP
		Mr.Mukesh Kumar, Adv.for Resp.2

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 06-02-2025 Heard learned counsel for the appellants, 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 31.01.2024 passed by learned Exclusive Special Judge, SC/ST Act, Chapra, Saran in a case registered under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code and Sections 3(i)(r) (s)/3(2)(va) of the SC/ST Act, whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on 20.12.2023 at about 5



PM, when informant was talking with his nephew at his door, co-accused Sandeep Kumar, in drunken condition, came there and started abusing informant and his nephew by caste name and on protest, all the accused persons named in the F.I.R. assaulted them with iron rod and lathi, and also took away motorcycle of Dhiraj Kumar parked near his house.

4. Learned counsel for the appellants submits that due to petty dispute, a quarrel took place between the parties and taking advantage of the situation, this false and concocted case has been lodged. Though, there is allegation of assault, but there is no injury report on record. He further submits that it is not the case of the informant that at the time of alleged occurrence, any public was present and as such, no case under the SC/ST Act is made out.

5. Learned Spl. Public Prosecutor for the State and learned counsel appearing on behalf of Respondent no. 2 opposed the appeal.

6. However, considering the aforesaid facts and circumstances, the impugned order dated 31.01.2024, so far as these appellants are concerned, is, hereby, set aside and this criminal appeal is disposed of.

7. Let the appellants, 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) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Chapra, Saran in connection with Chapra Muffasil P.S. Case No. 1005 of 2023.

(Prabhat Kumar Singh, J)

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