

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1509 of 2024

Arising Out of PS. Case No.-452 Year-2023 Thana- RAJPUR District- Buxar

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Sugriv Bhar @ Sugriv Ray Son of Ganesh Ray @ Ganesh Bhar R/o Village-
Tiway, P.S. Rajpur, District- Buxar

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Pritam Kumari D/o Subhash Rajak R/ Village- Tiway, P.S.- Rajpur, District-
Buxar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Murari Mishra, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 16-01-2025 Heard learned counsel for the parties. Despite

valid service of notice nobody appears on behalf of respondent

No. 2.

2. This appeal has been filed for setting aside order
dated 23.02.2024 passed in a case registered for the offence
punishable under sections 341, 323 , 504 and 34 and other
allied sections of the Indian Penal Code and sections 3 (i)(r)
(s) and 3 (2) (va) of the Scheduled Castes and Scheduled Tribes
(POA) Act, 1989, whereby the prayer for anticipatory bail of the
appellant has been rejected.

3 . The prosecution case , in brief, is that on the alleged
date and time of occurrence , co-accused Amit Kumar made the



photos and videos of informant viral from facebook and Instagram I.D. and when younger brother of the informant went to the house of accused persons to complaint regarding this, then all the accused persons including this appellant assaulted the brother of informant and abused him by caste name .

4. It is submitted that this appellant is innocent and committed no offence as alleged. Specific accusation of making the video and photo of the informant viral is against co-accused Amit Kumar. The present case is counter blast of Rajpur P S Case No. 451 of 2023 which was filed by appellant sides against the informant and others and in order to save their skin from the aforesaid case , this false and concocted case has been lodged. Moreover, during pendency of this case , a compromise petition has been filed in the Court below . F.I.R., does not disclose that any member of public was present at the time of incident, as such, no case under SC/ST Act is made out. Appellant claims clean antecedent.

5 . The learned Special public prosecutor for the State vehemently opposed the prayer for bail of these appellant.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 the learned Additional Sessions Judge – I , Cum Special Judge , SC / ST (POA) Act Buxar in connection with Rajpur Police Station Case No. 452 of 2023 .

(Prabhat Kumar Singh, J)

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