

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1726 of 2024

Arising Out of PS. Case No.-251 Year-2023 Thana- TAJPUR District- Samastipur

1. Manish Ray @ Manish Kumar son of Sakal Ray Village- Kaua Jorpura Ps- Tajpur Halai OP Dist- Samastipur
2. Mantun Ray @ Mantun Kumar Ray son of Late Awadhesh Ray Village- Kaua Jorpura Ps- Tajpur Halai OP Dist- Samastipur
3. Bhawani Ray @ Bhawani Kumar son of Naresh Ray Village- Kaua Jorpura Ps- Tajpur Halai OP Dist- Samastipur
4. Vikas Ray @ Vikas Kumar son of Sakindra Ray Village- Kaua Jorpura Ps- Tajpur Halai OP Dist- Samastipur
5. Shiv Shanker Ray @ Shiv Shanker Ray son of Sudhir Ray Village- Kaua Jorpura Ps- Tajpur Halai OP Dist- Samastipur
6. Umashanker Ray @ Umashanker Kumar son of sudhir Ray Village- Kaua Jorpura Ps- Tajpur Halai OP Dist- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. Kalawa Devi wife of Goni Paswan Village- Kaua Jorpura Ps- Tajpur Halai Op Dist- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Surya Roy, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 21-08-2025 Despite valid service of notice, none appears on behalf of the respondent no. 2.

2. Heard learned counsel for the appellants and the State.

3. This appeal has been filed against the order dated 15.03.2024 passed by learned Special Judge SC/ST (POA) Act, Samastipur in ABP No. 803 of 2024 arising out of Tajpur P.S.



Case No. 251 of 2023, registered under Sections 147, 149, 447, 341, 323, 379, 427, 354, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s)(w)/ 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellants has been rejected.

4. As per prosecution case, on 08.05.2023 at about 8 PM, all the accused persons including these appellants abused informant by caste name and also assaulted her and thereafter, committed theft of articles and cash of Rs. 50,000/- from informant's shop.

5. Learned counsel for the appellants submits that present case is counter blast of Tajpur P.S. Case No. 250 of 2023, lodged from appellants' side against informant & others. Allegation of assault is general and omnibus and no specific overt act has been alleged against these appellants. F.I.R. does not disclose that at the time of occurrence, any member of the public was present and as such, no offence under the SC/ST Act is made out against these appellants. Rest of the allegations are ornamental only to make the case grave. Appellants claim clean antecedent.

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



7. Considering the nature of accusation and dispute, 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 Special Judge SC/ST (POA) Act, Samastipur in ABP No. 803 of 2024 arising out of Tajpur P.S. Case No. 251 of 2023.

8. Accordingly, this criminal appeal is allowed and impugned order dated 15.03.2024 is set aside with respect to these appellants only.

(Prabhat Kumar Singh, J)

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