

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2176 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- TAJPUR District- Samastipur

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1. Saurav Kumar @ Golu Kumar SON OF SUNIL RAY R/O VILLAGE- Sarangpur, P.S.- TAJPUR(HALAI O.P.), DIST- Samastipur
 2. SUNNY KUMAR SON OF ANIL RAY R/O VILLAGE- Sarangpur, P.S.- TAJPUR(HALAI O.P.), DIST- Samastipur
 3. ANKIT KUMAR SON OF RAJESH RAY R/O VILLAGE- Sarangpur, P.S.- TAJPUR(HALAI O.P.), DIST- Samastipur
 4. DHIRAJ KUMAR SON OF LATE RAJ KUMAR RAY R/O VILLAGE- Sarangpur, P.S.- TAJPUR(HALAI O.P.), DIST- Samastipur
 5. NIRAJ KUMAR SON OF NAVIN KUMAR RAY R/O VILLAGE- Sarangpur, P.S.- TAJPUR(HALAI O.P.), DIST- Samastipur
 6. NAVIN KUMAR RAY SON OF LATE RAMJI RAY R/O VILLAGE- Sarangpur, P.S.- TAJPUR(HALAI O.P.), DIST- Samastipur

... .. Appellant/s

Versus

1. The State of Bihar
2. SURESH RAM SON OF LATE ANANDI DAS R/O VILLAGE- SARANGPUR, WARD NO.10, P.S.- TAJPUR (HALAI O.P.), DIST- SAMASTIPUR

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Surya Roy, Advocate
For the State	:	Mr. Sadanand Paswan, Spl.PP
For Respondent No. 2	:	Mr. Ashutosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 03-04-2025 Heard learned counsels for the parties.

2. This appeal has been filed for setting aside order dated 04.04.2024, passed in a case registered for the offence punishable under Sections 147, 149, 447, 341, 323, 379, 427, 504 and 506 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(1)(w) and 3(2)(va) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of these appellants has been rejected.

3. As per prosecution case, informant, namely Suresh Ram, alleged that on 16.02.2024 at about 7 PM, while he was at his shop in the meantime, all the F.I.R. named accused persons, including these appellants, arrived there in an intoxicated state and demanded tobacco. Upon refusal, it is alleged that all the accused persons abused informant by caste name and dragged him out of shop and assaulted him. It is further alleged that they also snatched Rs. 15,000/- cash from shop of informant and vandalized the shop causing loss of Rs. 40,000/-.

4. It is submitted by learned counsel appearing on behalf of the appellants that appellants are quite innocent and have committed no offence. As a matter of fact, due to petty dispute, a quarrel took place between the parties. Allegation of abused and assault is general and omnibus. It is not the case of the prosecution that any member of public was present at the place of occurrence and as such, no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Act is made out against these appellants. Appellants claim clean antecedents.



5. On the other hand, learned Special P.P. for the State and learned counsel for the informant/Respondent No. 2 have vehemently opposed the prayer for grant of anticipatory bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 04.04.2024 passed by the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with A.B.P. No. 1004 of 2024 is hereby set aside with respect to these appellants only.

7. Accordingly, let the appellants, 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA) Act, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 79 of 2024.

(Prabhat Kumar Singh, J)

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