

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2613 of 2024**

Arising Out of PS. Case No.-32 Year-2024 Thana- BHAGWAN BAZAR District- Saran

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1. BUCHAN RAY @ MITHILESH DASIL SON OF LATE SHIBJI @ SHIVJI RAY VILLAGE- SHAYAMACHAK, WARD NO. 02, P.S.- BHAGWAN BAZAR, DISTT.- SARAN AT CHAPRA
  2. POLA RAY @ NAGENDRA RAY SON OF SHIVJI RAY VILLAGE- SHAYAMACHAK WARD NO. 02, P.S.- BHAGWAN BAZAR, DISTRICT- SARAN AT CHAPRA

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RAJESH CHOUDHARY SON OF LATE GANESH CHOUDHARY VILLAGE- SHAYAMACHAK, WARD NO. 02, P.S.- BHAGWAN BAZAR, DISTT.- SARAN AT CHAPRA

... .. Respondent/s

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**Appearance :**

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| For the Appellants   | : | Mr. Tejpratap 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**

5      03-04-2025                      Heard learned counsel appearing for the appellants and learned Special Public Prosecutor appearing for the respondent-State.

2. Despite filing *Vakalatnama*, no one appears on behalf of Respondent No. 2.

3. This appeal has been filed for setting aside order dated 01.04.2024 passed in a case registered for the offence punishable under Sections 341, 323, 504, 379 and 34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,



whereby the prayer for anticipatory bail of these appellants has been rejected.

4. As per prosecution case, informant, namely Rajesh Chaudhary, alleged that on 21.01.2024 at about 8 PM, while he was near S.B.I. Bank, Gudari in the meantime, all the F.I.R. named accused persons, including these appellants, abused him by caste name and assaulted him. It is further alleged that Appellant No. 2 punched informant on his face and eye by feet and Appellant No. 1 kicked him leading to hearing loss and eye injury. It is also alleged that accused persons snatched his mobile phone.

5. It is submitted by learned counsel appearing on behalf of the appellants that the appellants are quite innocent and have committed no offence. As a matter of fact, both parties are co-villagers and due to old enmity, this false and concocted case has been lodged. Allegations are general and omnibus. It is further submitted that there is no injury report on record to substantiate the allegations made in the F.I.R.. Lastly, 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 these appellants.



6. Learned Spl. P.P. appearing for the respondent-State has opposed the prayer for grant of bail to the appellants.

7. Considering the aforesaid facts and circumstances of the case, this appeal is allowed and the impugned order dated 01.04.2024 passed by the learned SC/ST Exclusive Special Judge, Chapra, Saran in connection with A.B.P. No. 807 of 2024 arising out of Bhagwan Bazar P.S. Case No. 32 of 2024 is hereby set aside with respect to these appellants only.

8. 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 learned SC/ST Exclusive Special Judge, Chapra, Saran in connection with A.B.P. No. 807 of 2024 arising out of Bhagwan Bazar P.S. Case No. 32 of 2024.

**(Prabhat Kumar Singh, J)**

shashank/-

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