

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3942 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. RAKESH KUMAR RAY S/O LATE BABBAN RAY R/O VILLAGE-LOHRA, PS. CHAPRA MUFFASSIL, DIST. SARAN AT CHAPRA (BIHAR)
2. MITHILESH RAY @ BHUAR RAY S/O KATORI RAY @ CHHATHI LAL RAY R/O VILLAGE- LOHRA, PS. CHAPRA MUFFASSIL, DIST. SARAN AT CHAPRA (BIHAR)

... .. Appellant/s

Versus

1. The State of Bihar
2. MITHUN KUMAR RAM S/O MOTI CHAND RAM R/O VILLAGE-LOHRA, PS. CHAPRA MUFFASSIL, DIST. SARAN AT CHAPRA (BIHAR)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 19-06-2025 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes against the refusal of prayer for anticipatory bail vide order dated 20.06.2023 passed by the learned III Additional Sessions Judge-cum-SC/ST/MP/MLA/MLC Exclusive Judge, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 93 of 2023, registered for the alleged offences under Sections 341, 323, 325, 504 read with Section 34 of the Indian Penal Code and Sections



3(i)(r)(s), 3(2)(v) of the S.C./S.T. (POA) Act.

3. As per the prosecution case, the appellants and other co-accused persons are alleged to have abused the informant by calling his caste name and assaulted the informant with rod, *danda* on account of idol immersion. When Manish Kumar Manjhi intervened, they assaulted him with danda, bricks and abused by calling caste name. They assaulted Guriya Devi due to which she got injured.

4. Learned counsel for the appellants has submitted that the appellants are innocent and have falsely been implicated in this case. There is case and counter case between both the parties and there is also land dispute between the parties. The allegation of abusing against the appellants is general and omnibus and no member of public was present at the relevant point of time of the incident and hence, no offence under the provisions of SC/ST Act is made out against the appellants. It is further submitted that the injuries sustained by the injured are simple in nature. The appellant no.1 has one criminal antecedent and the appellant no.2 has no criminal antecedent as stated in para 3 of the appeal. The co-accused person has already been granted anticipatory bail by this Court vide order dated 29.03.2024 passed in Cr. Appeal (S.J.) No. 3932 of 2023.



5. Learned Spl. P.P. for the State has opposed the prayer for anticipatory bail of the appellants.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the appellants, the impugned order dated 20.06.2023 passed by the learned III Additional Sessions Judge-cum-SC/ST/MP/MLA/MLC Exclusive Judge, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 93 of 2023 is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, in the event of their arrest/ surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned III Additional Sessions Judge-cum-SC/ST/MP/MLA/MLC Exclusive Judge, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 93 of 2023, subject to the conditions mentioned in Section 438(2) of the Code of Criminal Procedure.

(Chandra Prakash Singh, J)

shivam/-

U		T	
---	--	---	--

