

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5003 of 2024

Arising Out of PS. Case No.-479 Year-2024 Thana- SONEPUR District- Saran

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- 1 . Butai Rai Son of Late Raju Rai Resident of village -Sabalpur Chahram, Ward No.- 11, PS- Sonepur, District -Saran
 2. Shekhar Rai @ Shekhar Kumar Son of Butai Rai Resident of village -Sabalpur Chahram, Ward No.- 11, PS- Sonepur, District -Saran
 - 3 . Abhishek Kumar Son of Binod Ray @ Butai Ray Resident of village -Sabalpur Chahram, Ward No.- 11, PS- Sonepur, District -Saran
 4. Dahaur Rai @ Lalbabu Rai Son of Late Prabhu Rai Resident of village -Sabalpur Chahram, Ward No.- 11, PS- Sonepur, District -Saran

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Ram Vilas Paswan Son of Late Anthu Paswan Resident of village -Sabalpur Chahram, Ward No.- 11, PS- Sonepur, District -Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Dr. Rajesh Kumar Singh, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Spl. PP
For respondent	:	Mr. Ramesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-03-2025 Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 04.09.2024 passed in a case registered for the offence punishable under sections 341, 323, 379, 325 , 504, 506 and 34 and other allied sections of the Indian Penal Code and sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . As per the prosecution case , on 05.06.2024 at



about 7 AM , all the F.I.R., named accused persons including these appellants armed with various weapons entered the house of informant namely Ram Vilas Paswan and warned them not to vote for “LALTEN ” . It is further alleged that on the order of appellant No. 1 accused persons assaulted informant and his family member and also abused them by caste name . It is further alleged that co-accused Golu Kumar and Amit Kumar snatched gold chain from the neck of one Fulpari Devi and threatened them to burn their houses. In spite of warning not to vote in favour of Kamal Chap , people belonging to schedule caste had voted for “Kamal”. It is further alleged that accused persons threatened them with dire consequences.

4. It is submitted that as a matter of fact on the alleged date of occurrence , one Sunny Kumar teased Tejashwi Yadav, as a result which led to maarpeet between the parties for which Sonapur P S Case No. 513 of 2023 was lodged against informant and others by the appellants side . Allegation of abused by caste name and assault is general and omnibus. Injuries sustained by one Sanjay Paswan is simple in nature . It is not the case of the informant that any member of public was present at the time of incident, and as such no case under SC/ST Act is made out.



5 . Learned counsel for the respondent No. 2 and learned Public Prosecutor for the State opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. 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 Exclusive Special Judge, SC/St, saran at Chapra in connection with sonapur Police Station Case No. 479 of 2024 .

(Prabhat Kumar Singh, J)

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