

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1492 of 2024

Arising Out of PS. Case No.-349 Year-2023 Thana- BANIAPUR District- Saran

-
-
1. Manu Ray @ Manu Kumar Ray son of Shiv Ray @ Shivji Ray Village- Pithauri Tawakal Tola Ps- Baniapur Dist- Saran
 2. Abhimanyu Kumar Ray @ Abhimanya Ray @ Abhimananu Ray son of Shipahi Ray Village- Pithauri Tawakal Tola Ps- Baniapur Dist- Saran

... .. Appellant/s

Versus

1. The State of Bihar
2. Dinesh Manjhi son of Jagmohan Manjhi Village- Pithauri Tawnkal Tola Ps- Baniapur Dist- Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Jha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-02-2026 1. Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. No one appears for the Opposite party no. 2.

3. An order, dated 18.12.2023, passed by learned
Court of SC/ST Exclusive Special Judge, Chapra at Saran, in
ABP No. 4229 of 2023, is under challenge in the present appeal
preferred under Section 14-A (2) of the Schedule Caste and
Schedule Tribes (Prevention of Atrocities) Act, 1989, whereby
the anticipatory bail application of the appellant in connection
with Baniapur Police Station Case No. 349 of 2023 registered
for the offence punishable under Sections 341, 323, 427, 504,



506, 34 of the Indian Penal Code and Section 3 (1)(r)(s), 3(2) (V)(a) of the Schedule Caste/Schedule Tribe (Prevention of Atrocities) Act, has been rejected.

4. As per the prosecution case, on 21.08.2023, in the night, the appellants were coming in drunken condition and were plucking corn from the field of the informant, and upon objection made by the informant, they started abusing and appellant no. 2 assaulted the informant on his head by his metal bangle, causing injury near his left eye and when the cousin of the informant intervened, appellant no. 1 assaulted him with fist.

5. Learned counsel for the appellants submits that they have not committed any offence in the manner alleged. Prima facie, the provisions of SC/ST Act is not attracted inasmuch as there is no allegation that appellants abused the informant by his caste name. The injuries caused to the informant and others are simple in nature and are not serious.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the injuries are simple in nature and there is no allegation of abusing by the caste name in full public view, I am inclined to grant the appellants privilege of anticipatory bail.



7. This appeal is, accordingly, allowed and the order, dated 18.12.2023, passed by learned Court of SC/ST Exclusive Special Judge, Chapra at Saran, in ABP No. 4229 of 2023, is set aside.

8. Let the appellants, above named, in the event of their arrest or surrender before the Court below within four weeks, be released 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 Court of SC/ST Exclusive Special Judge, Chapra at Saran, in connection with Baniapur Police Station Case No. 349 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

HarshPandey/-

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

