

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.864 of 2016**

Arising Out of PS.Case No. -207 Year- 2016 Thana -PATORI District- SAMASTIPUR

=====

1. Baigan Rai, Son of Shatrudhan Rai, Resident of Village- Bindgama,  
Police Station- Patori (Mohanpur O.P.), District- Samastipur.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Ajay Kumar Singh

For the Respondent/s : Mr. Sri Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
ORAL ORDER

3      06-12-2016              The appellant is in custody since 29.05.2016. He is an accused in Patori P.S. Case No. 207 of 2016 registered for the offences punishable under Sections 376, 511 of the Indian Penal Code, Section 3(a), 4 of the POSCO Act, 2012 and Sections 3(i) (x) of the Scheduled Castes and Scheduled Tribes ( Prevention of Atrocities) Act, 1989. His application for bail has been rejected by an order, dated 18.06.2016 passed by the learned First Additional Sessions Judge, Samastipur. This appeal has been preferred under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the said order, dated 18.06.2016.

Learned counsel appearing on behalf of the appellant has submitted that a false case has been instituted because



of political rivalry and the medical report does not support the case of the prosecution. He has also submitted that since the appellant has no criminal antecedent and there was no material before the Court below to come to a conclusion that the appellant would be fleeing from the course of investigation or trial, the appellate Court ought to have granted regular bail to the appellant.

I find substance in the submissions advanced on behalf of the appellant.

Considering the above submission, I am of the view that the order passed by the learned First Additional Sessions Judge, Samastipur needs interference. Accordingly, the order dated 18.06.2016 passed by the learned First Additional Sessions Judge, Samastipur, is set aside. Accordingly, this application is allowed.

Let the appellant above named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned First Additional and Session Judge, Samastipur in Patory P.S. Case No. 207/2016, G.R. No. 05 of 2016.

**(Chakradhari Sharan Singh, J)**

ArunKumar/-

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