

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.469 of 2018

Arising Out of PS.Case No. -31 Year- 2017 Thana -SC/ST District- SASARAM (ROHTAS)

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1. Sikandar Rai, Son of Jagdish Rai
2. Laddu Rai, Son of Late Ramashish Rai
3. Nagmani Rai@ Kumar Nagmani Rai, Son of Late Ramashish Rai
4. Jalendra Rai, Son of Rajeshwar Rai
5. Rajesh Rai @ Rajesh Kumar Rai, Son of Govind Rai
6. Arjun Rai, Son of Late Ganga Rai
7. Girish Rai, Son of Late Ganga Rai
8. Mantu Singh@ Manu Kumar Singh, Son of Lalan Singh
9. Mahendra Rai, Son of Late Bahadur Rai
10. Dimpu Rai, Son of Late Surendra Rai
11. Jitan Rai, Son of Chandra Dhan Rai
12. Munna Rai, Son of Ramjag Rai
13. Rabindra Rai, Son of Late Harsu Rai
14. Narendra Rai @ Narendra Kumar Rai, Son of Late Harsu Rai
15. Sushil Rai, Son of Sudarshan Rai All are resident of Village- Kharari, P.S. Karahghar, District- Rohtas.

.... Appellants

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha, Adv.

For the Respondent/s : Mr. Smt Usha Kumari No-1, SPP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 17-02-2018

Heard learned counsel for the parties.

This is an appeal under Sections 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against refusal of the prayer for anticipatory bail by the learned 1st Additional Sessions Judge, Rohtas at Sasaram in connection with SC/ST P.S.Case No. 31 of 2017 registered under Sections 147, 148, 149, 341, 323, 435, 504, 354, 506 of the Indian Penal Code as well as under Sections



3(i)(r) (s) W (i)(ii) of the Scheduled Castes and Scheduled Tribes Act.

A civil suit bearing T.S.No. 553 of 2016 is going on between the parties. The suit was brought by the appellants' side against the inlaws of the informant. In the aforesaid background, allegation is that 17-18 persons variously armed came and committed abuse by taking caste name of the informant. Further allegation is of commission of arson and assault in the house of the informant.

Submission is that false allegation is there just to pressurize in the suit. Apparently, the background of allegation would reveal that the matter is of abuse of the process of law, for the purpose of this appeal.

Hence, let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below



shall be at liberty to cancel the bail bond of the appellants.

Accordingly, this appeal stands allowed.

(Birendra Kumar, J)

Nitesh/-

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