

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.657 of 2019

Arising Out of PS. Case No.-420 Year-2018 Thana- TURKAULIYA District- East
Champaran

-
1. KUNAL RAI AND ANR Son of Late Jogindra Rai R/o Vill- Kapersardi, P.S.- Turkauliya, Distt- East Champaran.
 2. Kishori Rai S/o Late Ekarasi Rai R/o Vill- Kapersardi, P.S.- Turkauliya, Distt.- East Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dhannjay Kumar No 2

For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT

Date : 20-06-2019

Heard learned counsel for the parties.

This appeal under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been directed against the order dated 10.01.2019 passed by learned 7th A.D.J.- cum- Special Judge, Excise Act, East Champaran Motihari in connection with Turkawalia P.S. Case No. 420 of 2018 registered under Sections 147, 148, 149, 323, 341, 332, 307, 353, 379 and 435 of the Indian Penal Code and Section 27 of the Arms Act and Section 3(i)(r)(S) of SC/ST (POA) Act and Section 45 of the Bihar Excise and Prohibition Act, whereby the prayer for pre-arrest bail of the appellants has been rejected.

Learned counsel appearing for the appellants submits that the appellants are innocent and have not committed



any offence. In fact, the co-accused having more or less similar allegation have already been granted pre-arrest bail by a co-ordinate Bench of this Court in Cr. Appeal No. 4577 of 2018 and the case of these appellants stands on similar footing. Hence, the appellants may be granted the privilege of pre-arrest bail.

Considering the facts and circumstances of the case, let the above named appellants in the event of their surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 7th A.D.J.- cum- Special Judge, Excise Act, East Champaran Motihari in connection with Turkawalia P.S. Case No. 420 of 2018 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

Accordingly, this appeal is allowed and the impugned order is set aside.

(Arvind Srivastava, J)

brajesh/-

Uploading Date	
Transmission Date	

