

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.623 of 2019

Arising Out of PS. Case No.-71 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

1. DALAN RAI @ RAVIKESH RAI @ RAVIKESH KUMAR AND ORS. S/o Umesh Rai Resident of village-Goriya Tole, P.S-Chapra Muffassil, Distt.-Saran.
2. Hareram Rai S/o Surya Rai village-Goriya Tole, P.S-Chapra Muffassil, Distt.-Saran.
3. Surya Rai @ Suraj Rai S/o Late Prabhu Rai village-Goriya Tole, P.S-Chapra Muffassil, Distt.-Saran.
4. Umesh Rai S/o Late Prabhu Rai village-Goriya Tole, P.S-Chapra Muffassil, Distt.-Saran.
5. Kartik Kumar S/o Umesh Rai village-Goriya Tole, P.S-Chapra Muffassil, Distt.-Saran.
6. Triloki Rai S/o Surya Rai village-Goriya Tole, P.S-Chapra Muffassil, Distt.-Saran.
7. Batan Rai @ Chandan Rai @ Kishore Rai @ Rajkishore Rai S/o Surya Rai village-Goriya Tole, P.S-Chapra Muffassil, Distt.-Saran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nikesh Kumar
For the Respondent/s : Mr.Binay Krishna

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 16.01.2019 passed by learned 1st Additional Sessions Judge, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 71 of 2018 registered under Sections 341, 342, 323, 504, 506/34 of the Indian Penal Code and Section 3(1)(r)(s) of SC/ST (POA) 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, earlier a case has also been filed for the same set of facts which is evident from Annexure-2 to the supplementary affidavit and again for the same set of facts this false case has been filed by informant only to harass the appellants. No specific case is made out against the appellants. 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 1st Additional Session Judge, Chapra at Saran in connection with Chapra Muffasil P.S. Case No. 71 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/-

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