

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1457 of 2019

Arising Out of PS. Case No.-121 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. Ranjeet Ray @ Bhulla @ Bhola S/o Pallu Ray R/o village- Sharpur, P.S.- Vidyapati Nagar, District- Samastipur
 2. Pallu Ray S/o Late Ramashray Ray R/o village- Sharpur, P.S.- Vidyapati Nagar, District- Samastipur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ritesh Kumar Narain Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 04-07-2019 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

The appellants seek pre-arrest bail in connection with Protest cum Complaint Case No. 121(C) of 2018 (arising out of Vidyapati Nagar P.S. Case No. 23 of 2017) registered for the offence punishable under Sections 341, 323, 376, 511, 504, 506/34 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellant Ranjeet Ray is said to have tried to outrage the modesty of the informant stripping off her attire when she had gone for defecation, but she anyhow managed to escape and when the informant, her husband and her parents-in-law arrived at the house of Ranjeet Ray to make complain, appellant Pallu



Ray made them to leave the house slating them.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in this case due to dirty village politics. After investigation of the case, I.O. submitted final form against the appellants, but the learned Magistrate has taken cognizance against the appellants on the protest petition filed by the informant under SC/ST Act and several Sections of the I.P.C. Appellants have no criminal antecedent, hence, they may be enlarged on bail.

Learned Spl. PP for the State opposed the prayer for bail.

From perusal of record, it appears that though cognizance has also been taken against the appellant no. 2 (Pallu Ray), but the FIR itself indicates that the appellant Pallu Ray had only made the informant and her family members leave the house slating them, when they approached him to make complain and there is no allegation of slating the informant and her family members in the name of their caste against the said appellant. Hence, no offence under SC/ST Act is made out against him.

Having regard to the facts and circumstances of the



case, let the appellant no. 2 (Pallu Ray) be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge, Samastipur in connection with Protest cum Complaint Case No. 121(C) of 2018 (arising out of Vidyapati Nagar P.S. Case No. 23 of 2017) subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as the appellant no. 1 (Ranjeet Ray @ Bhulla @ Bhola) is concerned, considering the nature of allegation levelled against him, I am not inclined to enlarge him on bail. Accordingly, his prayer is rejected.

However, appellant no. 1 is directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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