

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1769 of 2019**

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

=====

Arun Rai Son of Late Shankar Rai Resident of Village - Kaparsandi, P.S.-
Turkauliya, Dist.- East Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma
For the Respondent/s : Mr. Sadanand Paswan

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL JUDGMENT

Date : 29-04-2019

Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act against the refusal of prayer for bail vide order
dated 04.04.2019 passed by learned 7th Addl. Sessions Judge
cum Special Judge, Excise, East Champaran at Motihari in
Turkauliya P.S. Case No. 420 of 2018 registered under Sections
147, 148, 149, 341, 323, 332, 353, 307, 379, 435 of the Indian
Penal Code, Section 27 of the Arms Act, Sections 3(i), (r), (s) of
the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act and Section 45 of the Bihar Prohibition and



Excise Act-2016.

Informant seized 200 lts. spirit from the house of the appellant and 1200 lts. spirit from the field of Baliram Rai and while he was proceeding to the P.S. along with the seized articles around 40-50 persons intercepted his vehicle and tried to set him ablaze by igniting the spirit and also resorted firing.

Learned counsel for the appellant submitted that no such occurrence as alleged ever took place. No incriminating article has been recovered from conscious physical possession of the appellant. As a matter of fact, the aforesaid house is inhabited by several other family members of the appellant including Ajay Rai, who happens to be his own brother and he had no knowledge of keeping of spirit in the house. Appellant has no concern with any trade of liquor. The allegation levelled against the appellant is general and omnibus. Appellant was not apprehended on the spot. No one has sustained any firearm injury. Appellant has no criminal antecedent. Appellant has been languishing in custody since 29.03.2019. Similarly situated co-accused, namely, Ajay Rai has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 08.10.2018 passed in Cr. Appeal (SJ) No. 3602 of 2018.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, the above named appellant is directed to be enlarged 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 7th Addl. Sessions Judge cum Special Judge, Excise, East Champaran at Motihari in Turkauliya P.S. Case No. 420 of 2018.

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

(Prakash Chandra Jaiswal, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.04.2019
Transmission Date	30.04.2019

