

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1896 of 2019**

Arising Out of PS. Case No.-3 Year-2019 Thana- SC/ST District- Bhojpur

1. JAIYANT RAI @ JAIYANT KUMAR @ JAYANTI RAI Son of Late Ashok Rai @ Ashok Kumar Singh Resident of Village- Matiara, P.O.- Kayam Nagar, P.S.- Koilwar, District- Bhojpur (Ara).
2. Santosh Rai @ Santosh Kumar Singh Son of Dharm Prakash Rai @ Dharm Prakash Singh Resident of Village- Matiara, P.O.- Kayam Nagar, P.S.- Koilwar, District- Bhojpur (Ara).
3. Subodh Rai @ Subodh Kumar Singh Son of Pappu Rai @ Abhay Kumar Singh Resident of Village- Matiara, P.O.- Kayam Nagar, P.S.- Koilwar, District- Bhojpur (Ara).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr.Usha Kumari I

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

ORAL ORDER

4 22-08-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for anticipatory bail vide order dated 01.04.2019 passed by learned 1st Addl. Sessions Judge, Bhojpur at Ara in SC/ST P.S. Case No. 3 of 2019 registered under Sections 341, 323, 325, 354(B), 379, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s)(w)/3(2)(va) of the SC/ST Act.

On protest made by the informant over playing



gambling adjacent to the house of the informant and on passing indecent comment against the wife of the informant, appellants Jaiyant Rai and Santosh Rai along with co-accused Manish Rai slated the wife of the informant in the name of her caste and assaulted her by means of leg shoving her on the ground. When the informant was proceeding to lodge the case against the aforesaid accused persons, appellants and other accused persons took him at the door of Santosh Rai and assaulted him by the means of shoe, etc. making him injured.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have been falsely implicated in the case merely because appellant Jayant Rai has lodged Koilwar P.S. Case No. 22 of 2019 against the informant and others preceding to the case under hand. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. There is no injury report in the case diary. Appellants have no criminal antecedent.

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

Having regard to the facts and circumstances of the case, let the above named appellants, be released on bail, in the



event of their 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) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge, Bhojpur at Ara in connection with SC/ST P.S. Case No. 3 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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