

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1916 of 2019

Arising Out of PS. Case No.-648 Year-2018 Thana- HAJIPUR SADAR District- Vaishali

1. NIRAJ RAI Son of Shiv Pujan Rai Resident of Village- Sahbajpur Jitwar, P.S.- Hajipur Sadar, Dist.- Vaishali.
2. Gorakh Sahni Son of Basisth Sahni Resident of Village- Ismailpur, P.S.- Hajipur Sadar, Dist.- Vaishali.
3. Musa Singh @ Musa Sahni Son of Upendra Singh Resident of Village- Chandi, P.S.- Hajipur Sadar, Dist.- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anil Kumar
For the Respondent/s	:	Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 08-07-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

The appellants seek pre-arrest bail in a case registered under Sections 147, 149, 341, 342, 323, 307 and 504 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.

On the basis of the video clip, informant has stated that the appellant Niraj Rai along with his five named and some unknown miscreants taking Gautam Paswan near his house slated him in the name of his caste and also assaulted him by means of lathi and belt and on the following morning said Gautam Paswan along with his associates named in the written



report assaulted Niraj Rai near his house and made him injured.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case at the instance of Gautam Paswan who has himself assaulted the appellant Niraj Rai. There is no allegation of slating the informant in the name of his caste against the appellants Gorakh Sahni and Musa Singh. Informant has not sustained any injury in the occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent. Hence they may be enlarged on bail.

On the other hand, learned Spl. PP for the State opposing the bail petition submitted that there is specific allegation against the appellant Niraj Rai of slating the informant, hence offence under SC/ST Act is made out against him and anticipatory bail is barred by Section 18 of the SC/ST Act.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant Niraj Rai on bail. Prayer for bail of the appellant Niraj Rai is rejected.

However, appellant Niraj Rai is directed to



surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the appellant Niraj Rai on the very date of his surrender in accordance with law without being prejudiced by this order.

So far as appellant no.2 Gorakh Sahni and appellant no.3 Musa Singh are concerned, they are directed to 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 cum Special Judge, SC/ST, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 648 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this appeal is disposed of.

(Prakash Chandra Jaiswal, J)

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