

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1945 of 2019

Arising Out of PS. Case No.-212 Year-2018 Thana- PATEPUR District- Vaishali

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1. KIRAN DEVI Wife of Bhelu Ray Resident of Village - Bardiha Turki, Ward No.4, P.O.- Bardiha Turki, P.S.- Patepur, Dist.- Vaishali.
 2. Bhugol Ray Son of Late Ajab Lal Ray Resident of Village - Bardiha Turki, Ward No.4, P.O.- Bardiha Turki, P.S.- Patepur, Dist.- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Satya Prakash Sinha
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 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 07.03.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Vaishali at Hajipur in Patepur P.S. Case No. 212 of 2018 registered under Sections 341, 323, 324, 325, 354, 307, 385, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.

Over not according the Alto car to the appellants by the informant, co-accused Bhelu Ray demanded extortion of Rs.10000/- from him and descending at the house of the



informant they slated him and on the next day co-accused Bhelu Rai assaulted on the head of his wife by means of dagger while appellant Bhugol Ray assaulted on her right hand by means of iron rod and appellant Kiran Devi assaulted on her thigh by means of danda.

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 due to dirty village politics and animosity. All the injuries sustained by the victim are simple in nature. The allegation of slating the informant levelled against the appellants is not specific rather general and omnibus in nature. Moreover there is no allegation of slating the informant in the name of his caste against the appellants. There is inordinate and abnormal delay of 15 days in lodging the F.I.R. without assigning any plausible explanation for the aforesaid delay which creates serious doubt about the prosecution case. 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 cum Special Judge, Vaishali at Hajipur in connection with Patepur P.S. Case No. 212 of 2018, 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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