

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1948 of 2019

Arising Out of PS. Case No.-223 Year-2018 Thana- PALASI District- Araria

1. SANJAY RISHIDEO Son of Bahadur Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
2. Jay Ram Rishideo Son of Wishwanath Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
3. Dhan Lal Rishideo S/O Late Guju Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
4. Sadanand Rishideo S/o Late Mahabir Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
5. Jagarnath Rishideo S/o Late Gahnu Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
6. Udyanand Rishideo @ Udy Rishideo S/o Bahadur Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
7. Sitiya Devi W/o Bahadur Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
8. Fulwati Devi W/O Wishwanath Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
9. Udyanand Rishideo S/O- Madhu Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
10. Bambam Rishideo S/o Suresh Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
11. Suresh Rishideo S/o Late Thithar Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
12. Sekha Devi W/o Udyanand Rishideo @ Udy Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
13. Jamni Devi W/o- Sanjay Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
14. Most. Urmila Devi @ Panchliya Devi W/o Late Lalit Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
15. Suldana Devi @ Sulochna Devi W/o Udyanand Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.
16. Mahat Lal Rishideo S/o Gulami Rishideo Resident of Village- Majlispur, P.S.- Palasi, District- Araria.

... .. Appellant/s

Versus

The State of Bihar..... Respondent/s

Appearance :

For the Appellant/s	:	Mr.Md. Naushad Uzzoha
For the Respondent/s	:	Mr.Usha Kumari 1



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

ORAL ORDER

3 09-07-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 02.04.2019 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with palasi P.S. Case No. 223 of 2018, registered under Sections 147, 148, 149, 341, 342, 323, 307, 353, 337, 338, 504, 189, 120B of the Indian Penal Code and also under Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While the police party arrived at the place of occurrence in verification of spotting of dead body of kidnapped victim, around four hundred persons including the appellants attacked on them by means of lathi, danda and brick-bat inflicting injury to them. Accused persons also caused hindrance in discharging the official duty by the police party.

It is submitted by the learned counsel for the appellants that appellants have no concern with the aforesaid



occurrence. They have been falsely implicated in this case. Although the appellants are named in the F.I.R but the source of identification have not been disclosed in the written report of the informant. No one sustained injury in the occurrence. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. They have no criminal antecedent. Similarly situated co-accused Permanand Risideo, Sharwan Risideo, Hira Lal Risideo and Naresh Risideo have been enlarged on bail by co-ordinate Bench of this Court passed in Criminal Miscellaneous No. 24102 of 2019 vide order dated 15.04.2019.

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

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail in the event of their arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District & Sessions Judge-cum- Special Judge, Araria, in connection with Palasi P.S. Case No. 223 of 2018, subject to 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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