

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2298 of 2019**

Arising Out of PS. Case No.-189 Year-2017 Thana- BUXAR MUFFSIL District- Buxar

1. Dhruva Rai Son of Late Indradeo Rai Resident of village- Kritpura, P.S. Buxar Muffasil, District- Buxar.
2. Surendra Rai Son of Late Banshi Rai Resident of village- Kritpura, P.S. Buxar Muffasil, District- Buxar.
3. Bhairo Rai @ Sarvajit Kumar @ Ranjit Kumar Rai Son of Dhruva Rai Resident of village- Kritpura, P.S. Buxar Muffasil, District- Buxar.
4. Dabloo Rai @ Arun Kumar Rai Son of Surendra Rai Resident of village- Kritpura, P.S. Buxar Muffasil, District- Buxar.
5. Pankaj Kumar Rai Son of Late Vindhychal Rai Resident of village- Kritpura, P.S. Buxar Muffasil, District- Buxar.
6. Bahadur Rai Son of Late Indradeo Rai Resident of village- Kritpura, P.S. Buxar Muffasil, District- Buxar.
7. Sonu Rai Son of Anil Rai Resident of village- Kritpura, P.S. Buxar Muffasil, District- Buxar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Birendra Kumar Singh
For the Respondent/s	:	Mr. Sadanand Paswan

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

ORAL ORDER

4 14-08-2019 Heard learned counsel for the appellants and learned
Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 01.04.2019 passed by learned 1st A.D.J. cum Special Judge, Buxar in Buxar Mufassil P.S. Case No. 189 of



2017 registered under Sections 302/34 of the Indian Penal Code and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over land dispute, all the appellants are said to have taken the father of the informant at the boring of Ramayan Rai and committed his murder by assaulting on his neck and cheek by means of knife.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to dirty village politics. After investigation of the case, I.O. submitted final form against the appellants showing them as not sent up, but learned lower court has taken cognizance against them. Subsequently, informant turning up before the learned court below has filed petition to the effect that he has named the appellants in the occurrence due to misunderstanding. Appellants have no criminal antecedent.

On the other hand, learned counsel for the informant appearing before the Court submitted that the appellants have no concern with the aforesaid occurrence. They have been named in the occurrence only due to misunderstanding.



Per contra, learned Spl. P.P. for the State opposing the bail prayer of the appellants submitted that the appellants have committed murder of the father of the informant taking from his house by assaulting him by means of knife. The informant and Dhanji Rai, who happen to be eye witnesses have supported the occurrence. Doctor conducting the autopsy of the cadaver of the deceased has found altogether seven incised wound on the neck of the deceased and one on the cheek, hence, the appellants do not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Accordingly, their prayer is rejected.

However, appellants are directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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