

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2207 of 2019

Arising Out of PS. Case No.-140 Year-2016 Thana- BUXAR INDUSTRIAL District- Buxar

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DHANANJAY RAI @ JHUNA RAI @ MUNNA RAI Son of Ramanand Rai
@ Ramanand Roy Resident of Village-Arjunpur, Police Station-Buxar (I),
District-Buxar.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajeev Ranjan

For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 11-07-2019 Heard learned counsel for the appellant 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 30.03.2019 passed by learned 1st Additional Sessions Judge, Buxar in connection with Buxar (i) P.S. Case No. 140 of 2016 registered under Sections 341, 342, 323/41 of the Indian Penal Code and also under Section 3 (i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Informant happens to be a Tempo driver. Accused



Raju Saini called him at his nursery where five motorcycle borne criminals arrived there and catching hold him took him at the door of Munna Rai where said Raju Saini and five other persons of the family of the Munna Rai assaulted him by means of lathi and dangled in the well to compel him to take name of Amit Saini in the kidnapping of son of Godhan Rai by Scorpio and left him free after making commitment to give statement before the police as per their wishes.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. He has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to animosity and dirty village politics. No allegation of any sort has been levelled against the appellant. He has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant is directed to be enlarged on bail in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned 1st Additional



Sessions Judge-cum-Special Judge, SC/ST Act, Buxar in connection with Buxar (I) P.S. Case No. 140 of 2016, corresponding to the SC/ST Case No. 47 of 2017, 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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