

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2407 of 2019

Arising Out of PS. Case No.-271 Year-2018 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. LAL BABU KUMAR @ LAL BABU THAKUR Son of Late Madan Thakur Resident of Village - Neem Pokhar, P.S.- University (L.N.M.U.) and District- Darbhanga
 2. Dharmender Kumar @ Dharmendra Thakur Son of Late Madan Thakur Resident of Village - Neem Pokhar, P.S.- University (L.N.M.U.) and District- Darbhanga
 3. Rahul Kumar @ Rahul Kumar Thakur Son of Late Madan Thakur Resident of Village - Neem Pokhar, P.S.- University (L.N.M.U.) and District- Darbhanga

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Girish Chandra Jha
For the Respondent/s	:	Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 27-08-2019 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 11.03.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Darbhanga in University (L.N.M.U.) P.S. Case No. 271 of 2018 registered under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code and Section 3(i)(r) of the SC/ST Act.



Appellants are said to have slated the informant in the name of his caste asking him to withdraw the case lodged against them, appellant Rahul Kumar assaulted him indiscriminately by means of belt and Lal Babu Thakur assaulted on his scrotum and chest indiscriminately while Rahul Kumar snatched his locket and cash of Rs.5000/-.

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. There is no eye witness of the occurrence. Witnesses in Para 7 and 8 of the case diary have only stated about taking place of some altercation between both the parties over lodging of the case by the informant against the appellants to extract money from them as the appellant Lal Babu Kumar had dashed the mother of the informant by his motorcycle for which Panchayati was held but he has refused to give any money to the informant. Informant has sustained no injury in the occurrence as there is no injury report in the case diary. Appellants have no criminal antecedent barring the case lodged against them by the informant regarding aforesaid accident of his mother.

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, SC/ST Act, Darbhanga in connection with University (L.N.M.U.) P.S. Case No. 271 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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