

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2241 of 2019

Arising Out of PS. Case No.-71 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

1. MUNSI RAI S/o Late Ramsish Ray R/o village- Dighi East, P.S.- Sadar, District- Vaishali
2. Binod Ray S/o Jagarnath Ray R/o village- Dighi East, P.S.- Sadar, District- Vaishali

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Jyotsna Rani Mishra
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 28-06-2019 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) Amendment Act, 2015 against the refusal of prayer for bail vide order dated 10.04.2019 passed by learned Additional Sessions Judge-I cum Special Judge, Vaishali at Hajipur in Hajipur Sadar P.S. Case No. 71 of 2019 registered under Sections 147, 148, 149, 447, 307, 302 and 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.



Appellants along 13 named and 15 unknown miscreants armed with weapons are said to have protested taking out of immersion procession of Goddess Saraswati from his door by the informant and Bindi Rai slating the informant in the name of the caste gave order to assault him and others, whereupon Raju Kumar fired on Chandani Kumari resulting into her death while Manish Kumar, Rajesh Rai and Rakesh Rai also made indiscriminate firing causing injury to some persons.

It is submitted by learned counsel for the appellants that no such occurrence as alleged ever took place. Appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. They do not happen to be the assailant. There is no allegation of slating the informant in the name of his caste against the appellants. Appellants have no criminal antecedent and have been languishing in custody since 12.02.2019. Similarly situated co-accused, namely, Raj Ballav Kumar has been enlarged on bail by this Court vide order dated 24.04.2019 passed in Cr. Appeal (SJ) No.1618 of 2019.

Learned Spl. PP 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 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 Additional Sessions Judge-I cum Special Judge, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 71 of 2019.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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