

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2636 of 2019

Arising Out of PS. Case No.-311 Year-2018 Thana- BAJPATTI District- Sitamarhi

1. Tufani Rain @ Toofani Rayeen S/O Lalu Rain Resident of Village- Rasalpur, P.S.- Bajpatti, District- Sitamarhi.
2. Golka Rain S/o Md. Chhedi Rain Resident of Village- Rasalpur, P.S.- Bajpatti, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 03-07-2019 Heard learned counsel for the appellants and learned Spl. P.P. for the State.

The appellants seek pre-arrest bail in connection with Bajpatti P.S. Case No. 311 of 2018, registered under Sections 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code and under Section 3 (i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Appellants along with co-accused, namely, Anisa Khatoon are said to have slated the informant in the name of his caste and robbed his belongings and cash in the night and took his motorcycle on the point of knife and firearm.

It is submitted by the learned counsel for the



appellants that no such occurrence as alleged ever took place. They have been falsely implicated in this case due to animosity. Earlier co-accused Anisa Khatoon has lodged Bajpatti P.S. Case No. 185 of 2016 against the close friend of the informant namely Isak Rain and said Isak Rain has got the aforesaid case lodged by the informant against her and the appellants in order to harass them. Informant has not sustained any injury in the occurrence. Moreover, allegation of slating the informant against the appellants is not specific rather general and omnibus in nature. Occurrence of slating in the name of caste is said to be of 10.00 P.M. hence, it cannot be said to have been made in the public view, so no offence under Section SC/ST Act is made out against the appellants. Appellants have no criminal antecedent. Said Anisa Khatoon @ Anish Khatoon has been enlarged on anticipatory bail by this Court vide order dated 27.06.2019 passed in Cr. Appeal (SJ) No. 1545 of 2019.

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

In 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 learned A.D.J. 1st-cum-Special Judge (SC/ST Act) Sitamarhi in connection with Bajpatti P.S. Case No. 311 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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