

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3002 of 2019

Arising Out of PS. Case No.-2 Year-2017 Thana- SC/ST District- Sitamarhi

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Hansraj Rayeen Son of Late Karjan Rayeen Resident of Village- Dewari, P.S.-
Sursand, District- Sitamarhi.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pushpendra Kumar Singh
For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

6 18-11-2019 Heard learned counsel for the appellant 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 08.05.2019 passed by learned 1st Addl. District
& Sessions Judge cum Special Judge, SC/ST Act, Sitamarhi in
Sitamarhi SC/ST P.S. Case No. 2 of 2017 registered under
Sections 341, 323, 504, 506, 379 of the Indian Penal Code and
Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

Appellant Hansraj Rayeen has constructed house
on the land of the informant. Said appellant along with four



other named accused persons always slate the informant and his family members in the name of their caste, and on protest made by the informant, on the date of occurrence, they assaulted the informant and his family members by means of leg, fist and danda. When his *Bhabho* Marni Devi rushed in his rescue, co-accused Baituliya Khatoon disrobed her and Atabul Rayeen snatched her silver ornaments.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in this case due to land dispute. Land in question is belonging to the appellant. Allegation levelled against the appellant is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. There is no allegation of slating the informant and his family members in the name of their caste on the date of occurrence and no case regarding slating them has been lodged by the informant against the appellant earlier. There has been inordinate and abnormal delay of 27 days in lodging the FIR without assigning any plausible reason for the said delay, which creates serious doubt about the prosecution case. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer



for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District & Sessions Judge cum Special Judge, SC/ST Act, Sitamarhi in Sitamarhi SC/ST P.S. Case No. 2 of 2017, 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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