

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2935 of 2019

Arising Out of PS. Case No.-165 Year-2019 Thana- SAKRA District- Muzaffarpur

1. Suman Ray @ Suman Kumar Ray Son of Sri Laxman Ray Resident of Village - Manikpur Itha, P.S.- Sakra, Dist.- Muzaffarpur.
2. Sukhdev Ray Son of Sri Laxman Ray Resident of Village - Manikpur Itha, P.S.- Sakra, Dist.- Muzaffarpur.
3. Chhotelal Ray Son of Laxman Ray Resident of Village - Manikpur Itha, P.S.- Sakra, Dist.- Muzaffarpur.
4. Bipin Kumar Son of Sukhdev Ray Resident of Village - Manikpur Itha, P.S.- Sakra, Dist.- Muzaffarpur.
5. Pramod Thakur Son of Late Lagan Thakur Resident of Village - Durgapur, P.S.- Sakra, Dist.- Muzaffarpur.
6. Raj Kumari Devi W/o Sri Laxman Ray Resident of Village - Manikpur Itha, P.S.- Sakra, Dist.- Muzaffarpur.
7. Seema Devi W/o Suman Ray Resident of Village - Manikpur Itha, P.S.- Sakra, Dist.- Muzaffarpur.
8. Indu Devi @ Inku Devi W/o Sukhdev Ray Resident of Village - Manikpur Itha, P.S.- Sakra, Dist.- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Anand
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

6 16-11-2019 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 09.05.2019 passed by learned 11th Addl. Sessions Judge cum Special Judge, SC/ST Act, Muzaffarpur in connection with Sakra P.S. Case No. 165 of 2019, registered under Sections 147,



149, 341, 323, 324, 325, 307 and 504 of the Indian Penal Code and Section 3(1)(r), 3(1)(s) of the SC/ST Act.

Accusation is that on 02.04.2019 at about 8.00 P.M., informant Akshyalal Paswan was at his poultry farm, at that time, appellant Nos. 1 to 5 and one Sumit Kumar came there in drunken state and started to abuse the informant. On protest, Suman Ray (Appellant No.1) and his associates started to cause assault through lathi, danda iron rod etc. in which he sustained injury at his head at the hand of Suman Ray (Appellant No.1), when Ravikant, son of the informant rushed to save then Sumit Kumar caused fracture injury at his head and also in his hand. When wife of informant rushed there then Raj Kumari Devi, Sima Devi and Indu Devi (Appellant Nos. 6 to 8) started to abuse and assault the informant and his wife.

Learned counsel appearing on behalf of appellants submits that specific allegation is against the petitioner No.1 to cause head injury to the informant, but the injury as found on the person of informant is simple in nature, whereas, the injuries as found on the person of Ravikant is grievous in nature, which is attributed against co-accused Sumit Kumar. The appellants have no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for



pre-arrest 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 four 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 11th Addl. Sessions Judge cum Special Judge, SC/ST Act, Muzaffarpur in connection with Sakra P.S. Case No. 165 of 2019, 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.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

