

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2970 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- DESARI District- Vaishali

1. CHANDESH RAI @ CHANDESHWAR RAI @ CHANDESHAR RAI Son of Suraj Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
2. Amit Kumar Son of Upendra Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
3. Gaurav Kumar Son of Hari Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
4. Dugesh Rai @ Durgesh Rai Son of Jageshwar Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
5. Amta Kumar Son of Upendra Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
6. Avinash Rai Son of Jageshwar Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
7. Ranjeet Rai Son of Chandeshwar Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
8. Uday Kumar Rai @ Uday Rai Son of Khobari Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
9. Baiju Rai Son of Late Bali Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
10. Ramesh Rai Son of Ram Janam Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
11. Doman Rai Son of Gajendra Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
12. Ashok Rai Son of Mishri Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
13. Chhunchun Rai @ Chunnu Rai Son of Naresh Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
14. Kesho Rai Son of Raj Kumar Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
15. Ashok Kumar Rai @ Ashok Rai Son of Kapil Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
16. Dheeraj Kumar Son of Umesh Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
17. Bipin Kumar Son of Umesh Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
18. Kush Kumar @ Kusha Rai Son of Bhajan Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.
19. Ramyad Rai Son of Saheb Rai Resident of Village - Bhikhanpura, P.S.- Desari (Chandpura O.P.), Distt - Vaishali.



20. Prince Kumar Son of Sanjay Rai Resident of Village - Bhikhanpura, P.S.-
Desari (Chandpura O.P.), Distt - Vaishali.
21. Akhilesh Rai Son of Rambriksh Rai Resident of Village - Bhikhanpura, P.S.-
Desari (Chandpura O.P.), Distt - Vaishali.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar
For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

4 29-08-2019 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 19.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Vaishali at Hajipur in connection with Desari P.S. Case No.81 of 2019 registered under Sections 147, 148, 149, 153 B, 379, 307, 354, 427, 447, 448, 452, 504 & 506 of the Indian Penal Code and Section 3(1) (r) (s) (w)/ 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Over warning to grandson of Khowari Rai for



plying the scooty rashly by Dinesh Ram, he slated him and arrived the village of the informant along with 25 named and 100 unnamed accused persons. All the accused persons assaulted the villagers broke open the door of their houses and asbestos sheets, damaged the vehicle and assaulted them in which informant and four other persons sustained injury. They also slated him in the name of his caste.

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 due to dirty village politics. There is case and counter case between the parties and the case of the appellants is of earlier one. The allegation of slating the informant is not specific rather general and omnibus in nature. There were about 125 persons at the place of occurrence but the informant has not specifically stated that as to who slated him in the name of his caste. Both sides have sustained injury in the occurrence. Appellants have no criminal antecedent. Similarly situated co-accused, namely, Mithilesh Rai has been enlarged on bail by this Court vide order dated 24.07.2019 passed in Cr. Appeal (SJ) No.2631 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, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge SC/ST Act, Vaishali at Hajipur in connection with Desari P.S. Case No.81 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 this appeal is allowed.

(Prakash Chandra Jaiswal, J)

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