

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3193 of 2019

Arising Out of PS. Case No.-106 Year-2018 Thana- SC/ST District- East Champaran

1. NAGESHWAR RAY Son of Satyanarain Ray Resident of Village Jay Singhpur, Gagalwa Tola, P.S. Turkaulia, District East Champaran.
2. Chandra Kishore Ray Son of Ram Pravesh Ray Resident of Village Jay Singhpur, Gagalwa Tola, P.S. Turkaulia, District East Champaran.
3. Sanjeev Ray @ Sanjeev Kumar Yadav Son of Hiranman Ray Resident of Village Jay Singhpur, Gagalwa Tola, P.S. Turkaulia, District East Champaran.
4. Ganesh Ray Son of Satyanarayan Ray Resident of Village Jay Singhpur, Gagalwa Tola, P.S. Turkaulia, District East Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma, Advocate
For the Respondent/s	:	Ms. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 16-11-2019 The appellant has challenged the order dated 11.02.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act in A.B.P. No. 3399/2018 arising out of Motihari (SC/ST) P.S. Case No. 106 of 2018, whereby the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 341, 323, 504, 506, 379/34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST Act has been rejected.

The appellants are said to have abused the informant by taking his caste name. Apart from this,



there is no other accusation in the FIR.

However, it appears that the appellants were given the benefit under Section 41(a) Cr.P.C.

In any view of the matter, this Court is not inclined to allow the appeal of the appellants for the reason that offence appears to have been made out, even though it is trivial in nature and that earlier, benefit was granted to the appellants under Section 41(a) Cr.P.C.

The appeal is rejected.

However, if the appellants surrender before the court below, the court below shall take into account that the offences alleged are absolutely frivolous and shall pass order in accordance with law without being prejudiced by the fact that the present appeal has been dismissed.

(Ashutosh Kumar, J)

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