

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3404 of 2019

Arising Out of PS. Case No.-73 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

-
1. Arun Rai @ Arun Kumar Rai Son of Late Pramod Rai @ Shingheshwar Rai Resident of Village - Muglani Chouk, P.S.- Warisnagar, Dist.- Samastipur.
 2. Virendra Rai Son of Late Pramod Rai @ Shingheshwar Rai Resident of Village - Muglani Chak P.S.- Warishnagar Dist.- Samastipur.
 3. Maheshwar Rai Son of Bhikhan Rai Resident of Village - Muglani Chak P.S.- Warishnagar Dist.- Samastipur.
 4. Loha Singh @ Anil Kumar Rai Son of Late Maheshwar Rai Resident of Village - Muglani Chak P.S.- Warishnagar Dist.- Samastipur.
 5. Sachit Rai @ Sachit Kumar Rai Son of Late Arjun Rai Resident of Village - Muglani Chak P.S.- Warishnagar Dist.- Samastipur.
 6. Chandan Rai @ Chandan Kumar Son of Sachit Rai Resident of Village - Muglani Chak P.S.- Warishnagar Dist.- Samastipur.
 7. Munna Rai Son of Late Bihari Rai Resident of Village - Simaree, P.S.- Chakmaheshi, Dist.- Samastipur.
 8. Ramdeo Rai Son of Late Kali Charan Rai Resident of Village - Muglani Chouk, P.S.- Warisnagar, Dist.- Samastipur.
 9. Kantu Rai @ Rama Kant Rai Son of Ramdeo Rai Resident of Village - Muglani Chouk, P.S.- Warisnagar, Dist.- Samastipur.
 10. Mithilesh Rai @ Mittu Rai @ Mithu Rai Son of Ramdeo Rai Resident of Village - Muglani Chouk, P.S.- Warisnagar, Dist.- Samastipur.
 11. Chhatar Rai Son of Late Neke Lal Rai Resident of Village - Muglani Chouk, P.S.- Warisnagar, Dist.- Samastipur.
 12. Amit Rai Son of Chhatar Rai Resident of Village - Muglani Chouk, P.S.- Warisnagar, Dist.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Upendra Ram Son of Late Jhapasi Ram Resident of Village - Muglani Chak P.S.- Warishnagar Dist.- Samastipur.

... .. Respondent/s

Appearance :



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

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

ORAL ORDER

4 25-10-2019 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 04.07.2019 passed by learned 1st Addl. Sessions Judge, Samastipur in Complaint Case No. 73 of 2018 registered under Sections 147, 323 and 435 of the Indian Penal Code and Section 3(i)(r)(s)/3(2)(va) of the SC/ST Act.

Appellants armed with danda arriving at the door of the complainant slated him in the name of his caste and assaulted him. They intruding into his house also misbehaved with his wife, daughter and daughter-in-law and assaulted them. Appellants Amit Rai, Chandan Rai and Loha Singh resorted firing in the air. Appellants Arun Rai torched his tati while appellants Sachit Rai and Munna Rai tried to shove him in the fire. They also assaulted the witnesses over demand of more wages by the complainant.

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 land dispute. Proceedings under Section 133 and 107 Cr.P.C. are pending between the parties. After investigation of the case under Section 107 Cr.P.C., police has reported that earlier the appellants had given land to the complainant for passage but the complainant has constructed hut on the said passage and started demanding another land for their passage. Cognizance has been taken by the court under Sections 323 and 435 IPC besides other section of the IPC and SC/ST Act. Slating the complainant in the name of his caste is said to have been made at the house of the complainant and not in public view, hence no offence under SC/ST Act is made out against the appellants. The allegation levelled against the appellants is not specific rather general and omnibus in nature. None has sustained injury in the occurrence. Appellants have no criminal antecedent. There is inordinate and abnormal delay of 10 days in filing the complaint petition without assigning any plausible explanation for the aforesaid delay which creates serious doubt about the prosecution case.

Learned Spl. PP for the State opposed the prayer for 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 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 the learned 1st Addl. Sessions Judge, Samastipur in connection with Complaint Case No. 73 of 2018, 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)

mantreshwar/-

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

