

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 3617 of 2019

Arising Out of PS. Case No.-143 Year-2019 Thana- BANIAPUR District- Saran

1. Suresh Rai Son of Tukar Rai Resident of Village - Suraudha, P.S.- Baniapur, Dist.- Saran at Chhapra
2. Om Prakash Rai @ Prakash Rai Son of Ramprit Rai@ Ramrit Rai Resident of Village - Suraudha, P.S.- Baniapur, Dist.- Saran at Chhapra
3. Sunnu Rai @ Sonu Rai Son of Suresh Rai Resident of Village - Suraudha, P.S.- Baniapur, Dist.- Saran at Chhapra
4. Rahul Kumar @ Rahul Rai Son of Dhaneshwar Rai Resident of Village - Suraudha, P.S.- Baniapur, Dist.- Saran at Chhapra
5. Anil Rai Son of Deosaran Rai Resident of Village - Suraudha, P.S.- Baniapur, Dist.- Saran at Chhapra
6. Sunil Rai @ Sunil Son of Hardeo Rai Resident of Village - Suraudha, P.S.- Baniapur, Dist.- Saran at Chhapra
7. Arjun Rai @ Arjun Kumar Son of Hardeo Rai Resident of Village - Suraudha, P.S.- Baniapur, Dist.- Saran at Chhapra
8. Bhola Rai Son of Vishwanath Rai Resident of Village - Suraudha, P.S.- Baniapur, Dist.- Saran at Chhapra

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Yashraj Bardhan
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 05-12-2019 Heard learned counsel for the appellants and Special P.P for the State.

The appellants have filed the instant appeal for grant of anticipatory bail apprehending their arrest in a case registered for the offence under sections 147,149,448,341,323,324,307 and 506 of the Indian Penal Code and section 3(i) (r) of the SC/ST (Prevention of Atrocities) Act, 1989.

As per the allegation in the FIR, the accused persons including the appellants herein had come to the house of the informant with lathi danda, farsa etc when a barat was coming and abused the informant taking his caste name. It is further stated that besides abusing, they also assaulted the



informant's father and friend who tried to intervene in the matter. The friend was admitted in the hospital for treatment from where he was referred to Banaras.

It is submitted by learned counsel for the appellants that the allegations as leveled in the FIR are false and concocted. Only the altercation had taken place and what has been stated in the FIR, are the exaggeration of the incident. It is further submitted that from the injury report which has been brought on record as Annexure 3 to the application it would transpire that the injuries found are simple in nature and it is only with intent to implicate them, the FIR has been lodged under the SC/ST Act. It is finally submitted that the appellants have no criminal antecedent.

It is submitted by learned counsel for the informant that there is specific allegation against them under the various sections of the IPC as also under the SC/ST (Prevention of Atrocities) Act. It is further submitted that in the facts and circumstances of the case, this application for bail is not maintainable.

Having heard learned counsel for the parties and taking into consideration the facts and circumstance of the case, I find that in view of the offence alleged under the SC/ST Act, the appeal is not maintainable and as such it has rightly been rejected by the learned Court below.

Thus, the instant appeal stands rejected.

(Partha Sarthy, J)

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