

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3825 of 2019

Arising Out of PS. Case No.-107 Year-2019 Thana- VAISHALI District- Vaishali

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1. Shankar Rai, aged about 45 years, Male
 2. Raghunath Rai, aged about 61 years, Male
Both are Sons of Dwarika Rai,
 3. Bablu Rai, aged about 29 years, Male, Son of Raghunath Rai
All resident of Village- Mohammadpur, P.S.- Ballia, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prakash Chandra Jha, Advocate

For the Respondent/s : Mrs. Usha Kumari No. 1, Spl. P.P. SC/SC Act

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-11-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Appellants apprehend their arrest in connection with
Vaishali P.S. Case No. 107 of 2019, registered for the offence
punishable under Section 341, 323, 324, 307, 436, 504/34 of the
Indian Penal Code and Section 3(1)(x) of the SC/ST Act.

The allegation against the appellants is that on the
date of occurrence at about 6.30 A.M. the appellants along with
others arrived at the door of the informant and started abusing
them by caste name [चमार]. It has further been alleged that



they have assaulted the family members of the informant due to which, Sanjay Ram and Chandan Kumar sustained injuries.

Learned counsel for the appellants submits that appellants have falsely been implicated in this case inasmuch as from perusal of the First Information Report, the allegation against the appellants appears to be general and omnibus in nature and there is no specific allegation against them. Learned counsel for the appellants further submits that the injuries caused to the victims are simple in nature.

On the other hand, learned counsel for the State referring to the case diary submits that all the witnesses have stated that the appellants along with others have assaulted the family members of the informant causing injuries to Sanjay Ram and Chandan Kumar. Learned counsel for the State referring to the case diary further submits that in the supervision note the supervising authority has come to conclusion that the appellants along with others were involved in assaulting the family members of the informant and others.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the fact that the witnesses have stated that appellants along with others had assaulted the family members of the informant and the injuries



caused to the victims having been found to be simple in nature, I am not inclined to interfere with the impugned order dated 21.05.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Hajipur, Vaishali in ABP No. 1064 of 2019 {arising out of Vaishali P.S. Case No. 107 of 2019}.

However, if the appellants surrender before the learned court below within a period of two weeks and seeks regular bail, the learned court below may consider their application for grant of regular bail preferably on same day without being prejudiced to the fact that the present application has been rejected by this Court and taking into consideration the fact that both the parties are co-villagers and the injuries caused to the victims have been found to be simple in nature.

(Anil Kumar Sinha, J)

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