

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4279 of 2019**

Arising Out of PS. Case No.-55 Year-2019 Thana- DESARI District- Vaishali

1. KRISHNAPAL YADAV S/o Darshan Rai Resident of Village- Rasulpur Habib, P.S.- Desari, District- Vaishali.
2. Darshan Rai S/o Rajendra Rai Resident of Village- Rasulpur Habib, P.S.- Desari, District- Vaishali.
3. Jyoti Kumar @ Sushant Kumar @ Sushant Yadav S/o Umesh Rai Resident of Village- Rasulpur Habib, P.S.- Desari, District- Vaishali.
4. Ram Pravesh Rai S/o Late Rajendra Rai Resident of Village- Rasulpur Habib, P.S.- Desari, District- Vaishali.
5. Pramod Rai Son of Late Suraj Rai Resident of Village- Rasulpur Habib, P.S.- Desari, District- Vaishali.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Satya Prakash Sinha
For the Respondent/s : Mr.Sadanand Paswan

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

ORAL ORDER

2 16-10-2019 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 20.08.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, Vaishali at Hajipur in Desari P.S. Case No. 55 of 2019 registered under Sections 147, 148, 149, 307, 332, 333, 341, 342, 353 and 427 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST Act.



When the informant along with police posse arrived at the place of occurrence on getting information about murder of a person by some miscreants and tried to rush the dead body for post mortem, 16 named accused persons including the appellants and 150-200 unknown miscreants took out the dead body from the police vehicle and blocked the road. They slated the informant in the name of his caste and assaulted his colleagues by means of brickbat. They also went on rampage arriving at the P.S. and blocked the road by putting tyre and disturbed the vehicular traffic.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. As a matter of fact, relative of the appellants namely Munna Rai was murdered. Regarding the said murder, one of the relatives of the appellant Mithilesh Rai has lodged Desari (Chandpura O.P.) P.S. Case No. 54 of 2019 against the accused persons. Appellants have been falsely implicated in the case merely because they happen to be relative of the deceased. Utmost they happen to be member of the mob. The allegation levelled against the appellants is not specific rather general and omnibus in nature. Appellants have no criminal antecedent.

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 cum Special Judge, Vaishali at Hajipur in connection with Desari P.S. Case No. 55 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 appeal is allowed.

(Prakash Chandra Jaiswal, J)

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