

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3737 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- SINGHIYA District- Samastipur

1. Gagan Kumar Ray @ Gagan Ray, aged about 32 years, Male, Son of Shankar Ray
2. Sanjeev Kumar @ Sanjeev Ray, aged about 59 years, Male, Son of Ram Prasad Ray
3. Shankar Ray, aged about 59 years, Male, Son of Late Muneshwar Ray
4. Mithun Kumar Ray @ Mithun Ray @ Mithu Ray, aged about 25 years, Male, Son of Shankar Ray
5. Bhola Ray, aged about 63 years, Male, Son of Late Muneshwar Ray
6. Rahul Kumar Ray @ Rahul Ray, aged about 25 years, Male, Son of Shankar Ray
7. Chandan Kumar @ Chandan Kumar Ray @ Chandan Ray, aged about 32 years, Male, Son of Bhola Ray, all resident of Village - Sumbha Dydohi Singhia, P.S.- Singhia, Dist.- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

with

CRIMINAL APPEAL (SJ) No. 4417 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- SINGHIYA District- Samastipur

Rajan Ray @ Rajan Kumar Ray @ Ranjan Ray @ Ranjan Kumar Ray, aged about 32 years, Male, Son of Bhola Ray, Resident of Village- Sumbha Dydohi Singhia, P.S.- Singhia, District- Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

(In CRIMINAL APPEAL (SJ) No. 3737 of 2019)

For the Appellant/s	:	Mr.Vinay Kumar Mishra, Advocate
For the Informant	:	Mr. Rajeev Ranjan, Advocate
For the State	:	Mr.Humayou Ahmad Khan, A.P.P.

(In CRIMINAL APPEAL (SJ) No. 4417 of 2019)

For the Appellant/s	:	Mr.Vinay Kumar Mishra, Advocate
For the Respondent/s	:	Mrs.Usha Kumari No.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN



ORAL ORDER

5 20-11-2019 Heard learned counsel for the appellants, the informant and the 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 11.07.2019 and 10.07.2019 passed by learned 1st Additional Sessions Judge, Samastipur in Singhia P.S. Case No.49 of 2019 registered for the offences punishable under Sections 323, 341, 354(A), 379, 504/34, 506 of the Indian Penal Code and Section 3(1)(r) 3(1)(s) of (SC/ST POA) Act.

The prosecution story in brief is that one Bacha Dai Devi, w/o Amar Paswan gave a written report before the S.H.O. Singhia on 12.05.2019 at about 09:00 P.M., it to the effect that on 11.05.2019 at about 09:00 P.M. Sanjeev Ray, Chandan Ray, Rajan Ray, Gangan Ray, Mithun Ray, Rahul Ray, Bhola Ray and Shankar Ray were dancing with D.J sound in drunken stage. It is further stated that all accused persons were standing in front the house of informant and abusing to her caste name and threatened to informant close his Rasta on tomorrow and all accused persons are snatched her house hold article, it is further stated that Sanjeev Ray, Chandan Ray are touched the hand of informant with bad intention, it is further stated that all accused persons are abusing her caste name and snatched her jewelry on



her neck and assaulting informant and other, six and seven persons are badly injured and they were admitted in Singhia Hospital. It is further stated that Sanjeev Ray snatched golden chain to the son of informant and threatened, if disclosed about present occurrence you will killed, it is further stated that Gagan Ray torn blouse of Manju Devi and Manju Devi was cried and then some people present. On the basis of above mention allegation, Singhia P.S. Case No.49 of 2019 registered under Sections 323, 341, 354(A), 379, 504/34 of the Indian Penal Code and Section 3(1)(r) 3(1)(s) of (SC/ST POA) Act.

Learned counsel for the appellants submits that the appellants are innocent and falsely been implicated in this case. He further submits that one family member of appellants have lodged a case against the family of opposite party vide Singhia P.S. Case No.51 of 2019 registered under Sections 323, 341, 379, 504 and 34 of the Indian Penal Code. Copy of the F.I.R. has been enclosed as Annexure-2 in the present appeal. Learned counsel for the appellants further submits that the present informant lodged several cases of SC/ST against the co-villager in village Shambha Dorhi vide SC/ST P.S. Case No.39 of 2006 and Singhia P.S. Case No.103 of 2017. Learned counsel for the appellants further submits that after institution of the present



case, co-villagers have filed a representation before the Deputy Superintendent of Police, Rosera. Copy of the representation has been enclosed as Annexure-3 in the appeal. There is no specific allegation against the appellants.

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 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 1st Additional Sessions Judge, Samastipur in connection with Singhia P.S. Case No. 49 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.

(Anjani Kumar Sharan, J)

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