

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4660 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- SC/ST District- Muzaffarpur

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1. PUJAN RAI Son of Jamadar Rai Resident of Village - Bakhari, P.S.- Baruraj, Distt - Muzaffarpur.
 2. Shashi Rai Son of Pujan Rai Resident of Village - Bakhari, P.S.- Baruraj, Distt - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anish Chandra

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-12-2019 Heard the parties.

By way of this memo of appeal, preferred under Section 14(A) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellants seek for setting aside the order dated 20.9.2019 passed in Muzaffarpur West, SC/ST P.S.Case No.05 of 2019 for the offences punishable under Sections 341, 323, 504, 324/34 of the Indian Penal Code and Section 3(i)(r)(s) of SC/ST (POA) Act by the learned Special Judge, SC/ST Act, Muzaffarpur whereby and where-under, the appellant's application for grant of anticipatory bail has been rejected.

As per FIR, there is allegation against the



appellants that while the informant was constructing his house, the appellants came and abused by taking caste name and further allegation against the appellant no.1 is that he assaulted by knife on his neck but that hit on the hand and he repeated blow.

Submission of the learned counsel for the appellants is that the informant was not abused in the public view and so far other allegation of assault is concerned, the appellant no.1 is the *Chowkidar* of the Sugar Mill and he has falsely been implicated in this case, injury is also lacerated not caused by the sharp cutting weapon.

On the other hand the learned Special P.P. has opposed the prayer for bail on the ground that there is *prima facie* allegation against the appellant no.1 (Pujan Rai) .

Having heard both sides, considering the facts and circumstances of the case, so far appellant no.1 (Pujan Rai) is concerned, I am not inclined to grant privilege of anticipatory bail, however, he is directed to surrender and pray for regular bail, which will be considered on its own merit if possible on the same day.

As such the appeal with respect to appellant no.1 is dismissed.



So far appellant no.2 (Shashi Rai) is concerned, in the event of his arrest or surrender before the learned court below within a period of three weeks from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Juge, SC/ST Act, Muzaffarpur in connection with Muzaffarpur West, SC/ST P.S.Case No.05 of 2019 subject to condition as laid down under Section 438 of Cr.P.C.

Accordingly, this appellant against the appellant no.2 is allowed and the order 20.9.2019 passed in Muzaffarpur , West, SC/ST P.S.Case No.05 of 2019 with respect to appellant no.2 is set aside.

(Vinod Kumar Sinha, J)

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