

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5122 of 2019**

Arising Out of PS. Case No.-52 Year-2018 Thana- SALIMPUR District- Patna

Sabal Rai Son of Jodhan Rai @ Yodhan Rai, Resident of Village- Gyaspur Mahaji, P.S.- Salimpur, District- Patna, at present resident of Village- Mulrajpur Diyara, P.S- Salimpur, District- Patna.

... .. Appellant

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Appellant/s : Mr.Bhola Kumar, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 25-11-2019 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Appellant, in the present appeal, is challenging the order dated 24.10.2018 passed in A.B.P. No. 8108 of 2019 arising out of Salimpur P.S. Case No. 52 of 2018, Special Case No. 108 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 379, 504, 448 of the Indian Penal Code and 3(1)(r), 3(i)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

By the impugned order the prayer for anticipatory bail of the appellant has been rejected by the learned Additional Sessions Judge-XX-cum-Special Judge, SC/ST, Patna.

Learned counsel for the appellant submits that the



appellant has no concern with the aforesaid occurrence. He has falsely been implicated in the present case due to dirty village politics. The allegation levelled against the appellant is not specific rather general and omnibus in nature.

Learned Spl.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case, wherein it is not disputed by learned Spl.P.P. for the State that similarly situated accused persons have been granted anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 4112 of 2019 (Annexure '2' to the present appeal) and that there are general and omnibus allegation against this appellant, the impugned order dated 24.10.2018 passed by learned Additional Sessions Judge-XX-cum-Special Judge, SC/ST, Patna in A.B.P. No. 8108 of 2019 is hereby set aside, in the event of his arrest or surrender within a period of four weeks from today, let the appellant above named be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Patna in connection with Salimpur P.S. Case No. 52 of 2018, Special Case No. 108 of 2018, subject to the condition as laid down



under Section 438 (2) of the Cr.P.C. i.e. :

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

vats/ved

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