

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5270 of 2019

Arising Out of PS. Case No.-313 Year-2019 Thana- SURSAND District- Sitamarhi

1. SANJAY RAI Son of Ram Varan Ray @ Varan Rai Resident of Village- Bara, Police Station - Sursand, District- Sitamarhi.
2. Ram Varan Ray @ Varan Rai Son of Late Bathu Resident of Village- Bara, Police Station - Sursand, District- Sitamarhi.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s	:	Mr. Amrendra Kumar, Advocate Mr. Jai Shanker Prasad, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, Sp. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-12-2019 Heard learned counsel for the appellants and learned
Additional Public Prosecutor for the State.

The appellants in the present case are seeking setting aside the order dated 25.10.2019 passed by learned Additional Sessions Judge- 1 – cum – Special Judge, SC/ST (Prevention of Atrocities) Act, Sitamarhi in A.B.P. No. 1951 of 2019/188 of 2019 arising out of Sursand P.S. Case No. 313 of 2019 under Section 363, 366, 323, 504 of the I.P.C. and Section 3(i)(v) of the SC/ST (Prevention of Atrocities) Act, by which anticipatory bail of the appellants has been rejected.

Learned counsel for the appellants submits that in the F.I.R. the allegations are that when the Bhabhi of the informant had gone near the Pulia of the village, the appellant no. 1 came



there and forcibly made her to sit on his motorcycle. She was also given some fists, slaps and thereafter she fell down and the appellant no. 1 fled away. So far as appellant no. 2 is concerned, he happens to be the father of appellant no. 1 and he has been implicated in this case by alleging that when the informant went to make a complaint against his son the appellant no. 2 abused him and gave him a fist blow.

Learned counsel for the appellants submits that the present case has been lodged seven days after the alleged occurrence, however it is submitted that the victim lady has come back and has made her statement under Section 164 Cr.P.C. in which she has alleged against appellant no. 1.

Learned counsel for the appellants has submitted that in fact the informant had been working as tractor driver of these appellants for the last six years and during this period he had taken some money on credit basis and it is when the appellants started demanding the said money the present case has been lodged.

Learned Special Public Prosecutor for the State has though opposed the prayer for anticipatory bail of the appellant no. 1, it is submitted that so far as appellant no. 2 is concerned, there is no specific allegation against him.



Considering the facts and circumstances of the case and the nature of allegations this court is of the opinion that at this stage so far as appellant no. 1 is concerned, this court would not be willing to grant him any protection.

Accordingly, prayer for anticipatory bail of appellant no. 1 is refused.

It will be open for the appellant no. 1 to bring all such materials which he is submitting before this court to the knowledge of the Investigating Officer.

So far as appellant no. 2 is concerned, there is no allegation that he had in any way participated in the alleged occurrence and the allegation against him is of trivial nature, let the above-named appellant no. 2, in the event of his arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – 1 – cum – Special Judge, Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, Sitamarhi, in connection with Sursand P.S. Case No. 313 of 2019, subject to 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.

In case, appellant no. 1 surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this court.

(Rajeev Ranjan Prasad, J)

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