

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5415 of 2019**

Arising Out of PS. Case No.-245 Year-2019 Thana- MAHUA District- Vaishali

JAI CHANDRA RAI @ JAI CHAND RAI Son of Late Rajendra Rai Resident
of Village- Alipur Mukund, P.S.- Mahua, District- Vaishali at Hajipur.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anish Chandra
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 09-12-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal for anticipatory bail has been filed by the appellant apprehending his arrest in connection with Mahua P.S. Case No. 245 of 2019, registered for the offence punishable under sections 147, 341, 323, 324, 325, 307 and 504 of the Indian Penal Code and section 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act.

As per allegation made in the F.I.R., co-accused Nitesh Kumar and Dilip Kumar are said to have created nuisance in the marriage of niece of the informant. It is further stated that three days later the accused persons including this appellant abused the informant in the name of his caste and also beat him up as also his nephew and old mother and thereafter,



the accused persons are said to have escaped.

It is submitted by learned counsel for the appellant that there is inordinate delay in lodging the FIR, the first occurrence alleged to have taken place on 4.5.2019, the allegation against this appellant is general and omnibus in nature. There is case and counter case between the parties and the informant himself, who was in an injured condition had given his fardbeyan in the hospital on 08.05.2019 itself which led to the registration of Mahua P.S. Case No. 275 of 2019, FIR of which is Annexure-2 to the appeal. It is further submitted that the appellant has no criminal antecedent and the case of the appellant stands on similar footing to that of co-accused Shreekant Rai @ Shreekant Kumar who has been enlarged on bail by order dated 01.10.2019 passed in Cr. Appeal (SJ) No. 4175 of 2019.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, lodging of counter case by the informant as also grant of bail to the co-accused, the appellant is directed to surrender in the court below within a period of six weeks from today and in the event of his arrest or surrender, he shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, (SC/ST Act), Vaishali at Hajipur in connection with Mahua P.S. Case No. 245 of 2019, subject to the condition as laid down under section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Partha Sarthy, J)

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