

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5409 of 2019

Arising Out of PS. Case No.-161 Year-2019 Thana- KUDHNI District- Muzaffarpur

-
1. Harendra Ray S/o Bhograj Ray R/o village- Sakri Saraiya Bintoliya, P.S.- Kudhni (Turki O.P.), District- Muzaffarpur
 2. Surendra Ray S/o Bhograj Ray R/o village- Sakri Saraiya Bintoliya, P.S.- Kudhni (Turki O.P.), District- Muzaffarpur

... .. Appellants

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raju Kumar Goswami, Advocate
For the Respondent/s : Mr.Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-12-2019 Heard learned counsel for the appellants and learned Spl.P.P. for the State.

Appellants, in the present appeal, are challenging the order dated 07.11.2019 passed in A.B.P. No. 3333 of 2019 arising out of Kudhni P.S. Case No. 161 of 2019 registered under Sections 147, 148, 149, 341, 323, 353, 427, 337, 338 and 504 of the Indian Penal Code, Sections 3(1)(v) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 43, 45 30(a) of Bihar Prohibition and Excise Act, 2016.

By the impugned order the prayer for anticipatory bail of the appellant has been rejected by the learned Special Judge,



Excise, Muzaffarpur.

Learned counsel for the appellants submits that the appellants have been implicated in this case on account of personal grudge and bad intention of the informant. The entire allegation are false and concocted due to high handedness of police. It is further submitted that the appellants never attacked on the police and not create hindrance in discharging the duty of the police but the informant by taking advantage being a member of schedule caste lodged the present false case against the appellants.

Learned Spl.P.P. for the State has opposed the prayer for anticipatory bail of the appellants.

Considering the facts and circumstances of the case, wherein these appellants are named in the FIR and there are specific allegations that they were among the persons who were identified by the Chaukidar and they had assaulted the police party and abused them when the police party had recovered illicit liquor from the possession of co-accused Vijay Rai and who was trying to take him after his arrest in the police vehicle, this Court is not inclined to grant privilege of anticipatory bail to these appellants.

In case the appellants surrender and pray for regular



bail within a period of four weeks from today, their prayer for regular bail shall be considered by the court below without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

vats/ved

U		T	
---	--	---	--

