

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.75 of 2020

Arising Out of PS. Case No.-406 Year-2019 Thana- SIKARPUR District- West Champaran

1. AJAY RAI Son of Gorakh Rai @ Gorakh Ray Resident of Village - Sakhuania, Fhulwaria, Ward No. 08, Rakhahi, P.S.- Sikarpur, Distt - West Champaran.
2. Dhurendra Rai Son of Harihar Rai Resident of Village - Sakhuania, Fhulwaria, Ward No. 08, Rakhahi, P.S.- Sikarpur, Distt - West Champaran.
3. Akhilesh Rai Son of Vinod Rai Resident of Village - Sakhuania, Fhulwaria, Ward No. 08, Rakhahi, P.S.- Sikarpur, Distt - West Champaran.
4. Paspas Rai Son of Nagina Rai Resident of Village - Sakhuania, Fhulwaria, Ward No. 08, Rakhahi, P.S.- Sikarpur, Distt - West Champaran.
5. Chunni Rai Son of Nagina Rai Resident of Village - Sakhuania, Fhulwaria, Ward No. 08, Rakhahi, P.S.- Sikarpur, Distt - West Champaran.
6. Rabri Devi Wife of Gorakh Rai @ Gorakh Ray Resident of Village - Sakhuania, Fhulwaria, Ward No. 08, Rakhahi, P.S.- Sikarpur, Distt - West Champaran.
7. Gorakh Rai @ Gorakh Ray Son of Late Mahadev Rai Resident of Village - Sakhuania, Fhulwaria, Ward No. 08, Rakhahi, P.S.- Sikarpur, Distt - West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sanjeev Kumar Shrivastava
For the Respondent/s	:	Mr.Usha Kumari 1
For the informant	:	Mr. Randhir Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Heard the parties.

The matter relates to grant of anticipatory bail to the



appellants in connection with Sikarpur P.S. Case No. 406 of 2019 registered for the offences under Sections 341, 323, 354B, 379, 504, 506/34 of the Indian Penal Code and Sections 3(1)(r) (s) of the SC/ST Act.

Allegedly, while the informant was returning home from Ghota, in the way, the accused persons surrounded her and started assaulting her with Lathi, Fatta. It is also alleged that the accused persons abused calling her caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made against the appellants. No specific overt act is alleged against the appellants. The nature of injury is said to be simple. The alleged occurrence has not taken place within public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 18-12-2019 passed by learned Additional District &



Sessions Judge-Ist-cum-Special Judge, (SC/ST/POCSO) Act, Bettiah, West Champaran in Sikarpur P.S. Case No. 406 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Accordingly, let the appellants, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, (SC/ST/POCSO) Act, Bettiah, West Champaran in connection with Sikarpur P.S. Case No. 406 of 2019.

(Sudhir Singh, J)

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