

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.88 of 2020

Arising Out of PS. Case No.-680 Year-2019 Thana- KUDHNI District- Muzaffarpur

1. MOHAN RAI Son of Ram Nandan Ray Resident of Village- Dubyahi, P.S.- Kudhani, District- Muzaffarpur.
2. Vinod Rai Son of Ram Nandan Ray Resident of Village- Dubyahi, P.S.- Kudhani, District- Muzaffarpur.
3. Mithlesh Rai @ Mithilesh Kumar Rai Son of Ram Nandan Ray Resident of Village- Dubyahi, P.S.- Kudhani, District- Muzaffarpur.
4. Shatrudhan Rai @ Shatruhan Rai Son of Ram Nandan Ray Resident of Village- Dubyahi, P.S.- Kudhani, District- Muzaffarpur.

... .. Appellants.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Appellant	:	Mr. Manoj Kumar, Advocate.
For the State	:	Mr. Sadanand Paswan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 14-01-2020

Heard learned counsel for the appellants and the learned Additional Public Prosecutor for the State.

This appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 12.12.2019 passed in A.B.P. No.3983 of 2019, whereby and whereunder the Special Judge, SC and ST (POA) Act, Muzaffarpur, rejected the prayer of the appellants to grant them the privilege of pre-arrest bail in connection with Kudhani (Turki O.P.) P.S. Case No.680 of 2019



registered under Sections 341, 323, 325, 307, 504 and 506/34 of the Indian Penal Code besides Sections 3(i) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that in the late evening of 07.10.2019, the informant was going to see the fair. In the meantime, the memory of the mobile of the informant fell, then the informant started to search the memory. At that time, one boy, borne on motorcycle, came and asked the informant as to what he is doing. When the informant replied him about searching of the memory, then he started to abuse and cause assault to him. Thereafter, the informant went to the house of his cousin maternal grandmother but that boy followed him and took out of the informant from there and asked to call the police on making call on phone but, instead, he called his three other brothers. Thereafter, all assaulted the informant brutally. When the cousin maternal grand mother of the informant came in his rescue, then they pushed her, due to which she fell down and sustained fracture injury on her hand. On query, the cousin maternal grandmother of the informant disclosed the name of the appellants.

Having considered the facts and the circumstances of



the case and the nature of allegation against the appellants, I am not inclined to grant the privilege of pre-arrest bail to the appellants. Accordingly, the prayer of the appellants to grant them the privilege of pre-arrest bail stands rejected.

In the result, this appeal stands dismissed. However, the appellants are directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

Pradeep Srivastava/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.01.2020.
Transmission Date	16.01.2020.

