

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.337 of 2020

Arising Out of PS. Case No.-215 Year-2019 Thana- BASANTPUR District- Siwan

1. Raja Kumar @ Raj Kumar Manjhi S/o Sri Bunilal Manjhi @ Munnilal Manjhi R/o village- Basaon Takhat, P.S.- Basantpur, District- Siwan
2. Vikky Kumar @ Vikky Kumar Manjhi S/o Sri Bunilal Manjhi @ Munnilal Manjhi R/o village- Basaon Takhat, P.S.- Basantpur, District- Siwan
3. Bunilal Manjhi @ Munni Lal Manjhi S/o Late Sukhram Manjhi R/o village- Basaon Takhat, P.S.- Basantpur, District- Siwan

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Vyas Kumar Mishra, Adv. Mr. Bipin Bihari Singh, Adv.
For the Respondent/s	:	Mr.Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 04-12-2020 Heard learned counsel for the appellants and learned
Spl.P.P. for the State through video conferencing.

The instant appeal has been preferred against the order dated 17.10.2019 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan, whereby the prayer for anticipatory bail of the appellants in connection with Basantpur P.S. Case No.215 of 2019 registered under sections 341, 323, 324, 448, 354, 379, 504, 506 and 34 of the Indian Penal Code and section 3(i)(r)(s) of the SC/ST (Prevention of Atrocities Act), was rejected.

As per allegation in the F.I.R. seven named accused



persons including the three appellants herein came variously armed with *Lathi, Danda, Rod* etc. started to abuse the father of the informant and it is stated that all of them started to assault the family members of the informant including her husband and father in law. It is further stated that the appellant nos. 1 and 2 misbehaved with the sister of the informant's husband.

It is submitted by learned counsel for the appellants that the allegations levelled in the F.I.R. are false and concocted. Both the appellants as also the informant belong to the same caste. The allegations are general and omnibus in nature and the allegations as levelled against in the appellant nos. 1 and 2 of having misbehaved with the sister in law of the informant is not supported by the witnesses. It is submitted that the petitioner has no criminal antecedent.

The appeal is opposed by learned Spl.P.P. for the State who submits that not only the appellants are named in the F.I.R. but have actively participated in the occurrence. It is further submitted that the allegations as levelled in the F.I.R. are supported from the materials that has transpired in course of investigation.

Case diary called for in the case has been received.

Having heard learned counsel for the parties and on



going through the material that has transpired in course of investigation including the deposition of the witnesses as also the injury report of Arun Manjhi, Vikash Kumar, Saroj Kumari, Sanjay Manjhi, Seema Devi and Suresh Manjhi, it transpires that the allegations as levelled in the F.I.R. are supported from the injury reports. Thus the Court is not inclined to allow this appeal and the instant appeal is rejected.

In case the appellants surrender in the Court below within a period of eight weeks and pray for bail, the same shall be considered without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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