

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.566 of 2020

Arising Out of PS. Case No.-268 Year-2018 Thana- RANIGANJ District- Araria

1. Sanjay Ramani S/o Upendra Ramani R/o village- Majhuwa West Ward No. 13, P.S.- Raniganj, District- Araria
2. Upendra Ramani S/o Kistu Ramani R/o village- Majhuwa West Ward No. 13, P.S.- Raniganj, District- Araria
3. Hare Krishna Ramani @ Hare Krishna Kahar S/o Late Mathura Ramani R/o village- Majhuwa West Ward No. 13, P.S.- Raniganj, District- Araria
4. Govind Ramani S/o Late Sadhu Kahar R/o village- Majhuwa West Ward No. 13, P.S.- Raniganj, District- Araria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Rana, Adv.
For the Respondent/s : Mr. Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 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 30.11.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria, whereby the prayer for anticipatory bail of the appellants in connection with Special (SC/ST) Case No.170 of 2018 (arising out of Raniganj P.S. Case No.268 of 2018) registered under sections 341, 323, 506 and 34 of the Indian Penal Code and section 3(i)(r) of the SC/ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R., it is stated that as a result of earlier dispute the five named accused persons



including the four appellants herein came and started to abuse the informant. Thereafter it is stated that the accused abused him in the name of his caste while Sada Ramani and Sanjay Ramani assaulted him with *Lathi*. It is further stated that on *hulla* being raised the other co-villagers who were nearby came and saw the occurrence.

It is submitted by learned counsel for the appellants that the appellants have been falsely implicated in the case due to previous enmity. It is submitted that from the F.I.R. itself it would transpire that the occurrence not having taken place in public view, no offence under SC/ST (Prevention of Atrocities) Act is made out. It is submitted that in the F.I.R. it is stated that on *hulla* being raised the co-villagers who were nearby thereafter came and witnessed the occurrence. It is further stated so far as the offence under various sections of the Indian Penal Code is concerned, besides all beingailable, it has come during investigation that on the Investigating Officer asking for the injury or doctors report, he was informed that the informant and others had not got themselves treated. It is submitted that the appellants have been falsely implicated in the case and there is no explanation of the delay of nearly 29 hours in lodging of the F.I.R. although the distance of Police Station to the place of occurrence is stated to be only 12 kilometers. The appellants



have no criminal antecedent.

The appeal is opposed by learned Spl.P.P. appearing for the State.

The case diary called for in the case has been received.

Having heard learned counsel for the parties and on going through the statements made in the F.I.R. together with the material that has transpired in course of investigation and taking into consideration the submissions made on behalf of the appellants as stated above, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 30.11.2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Araria, is set aside.

The appellants are directed to be enlarged on bail in connection with Special (SC/ST) Case No.170 of 2018 (arising out of Raniganj P.S. Case No. 268 of 2018) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Araria.

(Partha Sarthy, J)

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