

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1640 of 2020

Arising Out of PS. Case No.-151 Year-2020 Thana- EKMA District- Saran

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1. SURESH RAI S/o Late Gati Rai Resident of Village-Keshari Mathiya, P.S.- Ekma, District-Saran at Chapra.
 2. Lilawati Devi W/o Suresh Rai Resident of Village-Keshari Mathiya, P.S.- Ekma, District-Saran at Chapra.
 3. Manoj Rai S/o Late Lallan Rai Resident of Village-Keshari Mathiya, P.S.- Ekma, District-Saran at Chapra.
 4. Ranjeet Rai S/o Surendra Rai Resident of Village-Keshari Mathiya, P.S.- Ekma, District-Saran at Chapra.
 5. Sujit Rai S/o Late Surendra Rai Resident of Village-Keshari Mathiya, P.S.- Ekma, District-Saran at Chapra.
 6. Rahul Rai S/o Late Surendra Rai Resident of Village-Keshari Mathiya, P.S.- Ekma, District-Saran at Chapra.
 7. Ajeet Rai S/o Late Lallan Rai Resident of Village-Keshari Mathiya, P.S.- Ekma, District-Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar, Advocate

For the Respondent/s : Ms. Usha Kumari No.1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-11-2020 At the outset, learned counsel for the appellants seeks permission to withdraw the appeal in respect of appellant no.4 (Ranjeet Rai) and appellant no.5 (Sujit Rai).

Permission is granted.

Appeal, in respect of appellant no.4 and 5, above named, is dismissed as withdrawn.

Heard learned counsel for the parties through video



conferencing.

The present appeal is directed against the order dated 22.05.2020, passed by the learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST, Saran at Chapra in a case registered for the offence punishable under Sections 341, 323, 324, 506 and 379/34 of the Indian Penal Code and Section 3(1) (r) (s)/3 (2) (Xa) of the SC/ST (Prevention of Atrocities) Act, whereby anticipatory bail of the appellants have been rejected.

As per the prosecution case, on 15.04.2020 at about 3:00 PM, these appellants abused the informant by calling her caste name and all of them assaulted with fists and slaps. It is further alleged that co-appellants Ranjeet Rai and Sujit Rai assaulted the husband of the informant, on his head, with iron rod.

Learned counsel for the appellants submits that, so far as appellant nos.1, 2, 3, 6, and 7 are concerned, there is general and omnibus allegation against all of them. It is further submitted that appellants, above mentioned, have falsely been implicated in this case due to land dispute between the parties. It is stated in paragraph no.3 of the criminal appeal that appellants have got clean antecedent.



Learned counsel for the State on the other hand vehemently opposes the prayer for bail and submits that there is specific allegation of assault with iron rod against appellant nos.4 and 5, above named.

Having regard to the submissions made by the parties and taking into consideration the materials available on record appeal, in respect of appellant nos.1, 2, 3, 6 and 7, above named, is allowed and the impugned order dated 22.05.2020, in respect of appellant nos.1, 2, 3, 6 and 7, above named, is set aside.

Accordingly, in the event of arrest or surrender by the appellant nos. 1, 2, 3, 6 and 7, above named, before the Court below within six weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I-cum-Special Judge, SC/ST, Saran at Chapra in Ekma Police Station Case No. 151 of 2020.

(Prabhat Kumar Singh, J)

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