

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1667 of 2020

Arising Out of PS. Case No.-98 Year-2020 Thana- DARIYAPUR District- Saran

1. RANJEET RAI, S/o Ashok Rai, Resident of Village-Rampur Jaiti, P.S.-Dariyapur, District-Saran.
2. Diwakar Rai @ Diwas Rai, S/o Ashok Rai, Resident of Village-Rampur Jaiti, P.S.-Dariyapur, District-Saran.
3. Lapetu Rai @ Lapet Rai, S/o Nawal Rai, Resident of Village-Rampur Jaiti, P.S.-Dariyapur, District-Saran.
4. Vikki Rai, S/o Gautam Rai, Resident of Village-Rampur Jaiti, P.S.-Dariyapur, District-Saran.
5. Ashok Rai, S/o Late Jamuna Rai, Resident of Village-Rampur Jaiti, P.S.-Dariyapur, District-Saran.
6. Rambabu Rai, S/o Laddu Rai @ Ladde Rai, Resident of Village-Rampur Jaiti, P.S.-Dariyapur, District-Saran.
7. Arun Kumar Rai, S/o Raj Balam Rai, Resident of Village-Rampur Jaiti, P.S.-Dariyapur, District-Saran.
8. Raj Balam Rai, S/o Late Jhagran Rai, Resident of Village-Rampur Jaiti, P.S.-Dariyapur, District-Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vasant Vikas, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. P.P

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-11-2020 Heard learned counsel for the parties through video conferencing.

The present appeal is directed against the order dated 18.06.2020, passed by learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Saran at Chapra in a case registered for the offence punishable under Sections 147, 148, 149, 447, 504, 307, 325, 379, 323, 354 (B), 436 and 353 of the Indian



Penal Code and Section 3 (i) (r) (s) of the SC/ST Act, whereby anticipatory bail of the appellants have been rejected.

The prosecution case in brief is that on 01.05.2020 at about 9 PM, the informant, who is the Mukhiya of the Panchayat, was sleeping in his house along with all his family members and in the meantime, all the accused persons including these appellants came at the door of the informant and started abusing him by calling his cast name. It is further alleged that appellant no. 1 gave a Farsa blow on the head of the informant's son, appellant no.6 gave a Farsa blow on the head of the informant with the intent to kill him, appellant no.2 gave a Katta blow on the informant's right hand due to which his hand was fractured, appellant no.4 assaulted the informant's wife by an iron rod on her head, appellant nos. 7 and 3 gave a sword blow on the head of Sarvjeet Manjhi, appellant no.5 assaulted the Ratan Manjhi by the butt of Katta causing fracture in his hand. It is further alleged that co-accused Pawan Rai and Gautam Rai tore the cloth of the informant's wife as a result of which she became naked. It is further alleged that on the order of the accused, Rajbalam Rai, Ranjeet Rai set the informant's Panchayat Office on fire and the motorcycles of the appellants were burnt by the fire of the Panchayat Office.



Learned counsel for the appellants submits that the appellants have falsely been implicated in this case due to village politics. The informant, in order to save his skin from Dariyapur Police Station Case No. 119 of 2020, falsely implicated these appellants in the present case and the motive of the informant is only to build pressure over the appellant side to withdraw the same. It is stated in paragraph no.3 of memo of the appeal that appellants have got clean antecedent.

Learned counsel for the State on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, the appeal, in respect of the appellant nos.1 to 7, above named is rejected.

The appeal, in respect of appellant no.8, namely, Raj Balam Rai, is allowed, since he is alleged to be only order giver, and the impugned order dated 18.06.2020, in respect of appellant no.8, namely, Raj Balam Rai, is set aside.

Accordingly, in the event of arrest or surrender by the appellant no.8, above named, before the Court below within six weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned
Additional Sessions Judge-I-cum-Special Judge, SC/ST, Saran
at Chapra in Dariyapur Police Station Case No. 98 of 2020.

(Prabhat Kumar Singh, J)

Ankit/-

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