

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1664 of 2020

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

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1. PAWAN RAI, S/O Ashok Rai, Resident of Village - Rampur jaiti, P.S. - Dariyapur, District - Saran.
 2. Brajesh Rai, S/o Nawal Rai @ Nawal Kishore Singh, Resident of Village - Rampur jaiti, P.S. - Dariyapur, District - Saran.
 3. Gautam Rai, S/O Late Jamuna 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 : Ms. Usha Kumari No.1, 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 nos. 1 and 3 torn the cloth of the informant's wife and appellant no. 2 gave a blow on internal part of Ratan Manjhi by his leg due to which he was injured. 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 also burnt by the fire.

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 make pressure over the appellant side to withdraw the case or to make compromise in the case. 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, this appeal is allowed and the impugned order dated 18.06.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, 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 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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