

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1719 of 2020**

Arising Out of PS. Case No.-18 Year-2019 Thana- KHAGARIA District- Khagaria

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1. MAHESH RAI Son of Late Ranju Rai @ Rangdeo Rai
 2. Budhu Rai Son of Ram Kumar Rai
 3. Vimal Rai Son of Late Bhikhar Rai
 4. Santosh Rai Son of Mahesh Rai
 5. Prince Rai Son of Baua Rai all Resident of Village- Chatra, P.O.- Mansi, Police Station- Muffasil, District- Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukul Prasad, Adv.

For the Respondent/s : Mrs. Usha Kumari No. 1, SPP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 08-12-2020 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic COVID-19, the matter is listed with defects.

Learned counsel for the appellants undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.



This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 04.02.2020 passed by learned Additional Sessions Judge-1st, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 18 of 2019 registered under Sections 341, 323, 379, 504, 307, 354, 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3 (i) (r) (s), B/9 (2) VA of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prosecution case is that when the informant and others celebrating Piknik at Chapra Gharari Railway Ritayer Bandh near about 3-4 P.M. on 01.01.2019, on that time appellants came at the place of occurrence in drunken stage and used filthy language on caste basis as Chamar, Dusadh, Dhanuk and assaulted them and made illegal demand and on not fulfillment of demand, destroyed the Piknik place and gave threatening. Appellants also reached near victim house and used fire arm also.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely



implicated in this case. He submits that there is case and counter case between the parties He submits that date of occurrence is 01.01.2019 but FIR was lodged on 05.01.2019 after delay of 5 days and there is no explanation for the said delay. He submits that informant does not belong to scheduled caste and scheduled tribe category. He further submits that appellants bears no criminal antecedent as stated in para-3 of this petition.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 18 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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