

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1500 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- MATIHANI District- Begusarai

1. SHASHI BHUSHAN RAY Son of Late Meghan Ray @ Meghan Ray Resident of Village- Chakbali Diyara, P.S.- Matihani, District- Begusarai.
2. Parshant Kumar @ Prasant Kumar Son of Robin Ray @ Rabin Ray Resident of Village- Chakbali Diyara, P.S.- Matihani, District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sandip Kumar Gautam, Advocate

For the Respondent/s : Mr.Binay Krishna, Spl PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-11-2020 Heard learned counsel for the appellants and learned Spl. PP for the State through video conferencing.

The instant appeal has been preferred by the appellants against the order dated 2.6.2020 passed by the learned Special Judge, SC/ST Act, Begusarai whereby the prayer for bail of the appellants in connection with Matihani P.S. Case no. 45 of 2020 registered under sections 307, 147, 148, 149, 504 and 506 of the Indian Penal Code, sections 25(1-b)a, 26 and 27 of the Arms Act and sections 3(1)(r)(c) and 3(2)(v)(a) of the SC and ST (POA) Act was rejected.

As per allegation in the FIR, it is stated that the five named accused persons including the two appellants herein came to the house of the informant, started to abuse him and threatened that he would be taught a lesson. Thereafter it is stated that the accused persons



started to fire and the informant apprehended that they would be killed. It is further stated that after some time three accused persons including the two appellants herein were apprehended while two escaped. A country made revolver was recovered from the co-accused Hariom while the arms being carried by the two appellants were taken away by the two persons who managed to escape.

It is submitted by learned counsel for the appellants that the allegations as levelled in the FIR are false and concocted. Admittedly no incriminating article is stated to have been recovered from the possession of the two appellants. The appellants have been falsely implicated in the case also for the reason that on an earlier occasion also a case has been lodged against the appellant no.1 by the same informant. The appellant no. 2 has no criminal antecedent. The appellants are in custody since 1.5.2020 and the investigation with respect to the appellants have concluded.

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

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the appellants being in custody since 1.5.2020, the Court is inclined to allow the instant appeal. The appeal is allowed. The order dated 2.6.2020 passed by the learned Spl. Judge, SC/ST Act, Begusarai in connection with Matihani P.S. Case no. 45 of 2020 is hereby set aside.

The appellants are directed to be enlarged on bail in connection with Matihani P.S. Case no. 45 of 2020 on



each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Special Judge, Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, Begusarai.

(Partha Sarthy, J)

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