

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1551 of 2020

Arising Out of PS. Case No.-106 Year-2020 Thana- PARSA District- Saran

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1. Manish Rai, Male, 32 years, Son of Ram Pravesh Rai, Resident of Village- Anjari, P.S.- Parsa, District- Saran.
 2. Bipin Rai, Male, 20 years, Son of Ram Pravesh Rai, Resident of Village- Anjari, P.S.- Parsa, District- Saran.
 3. Thakur Rai, Male, 70 years, Son of Surya Rai, Resident of Village- Anjari, P.S.- Parsa, District- Saran.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Mukesh Kumar Singh
For the Respondent	:	Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-10-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the appellants is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

It has been submitted on behalf of the appellants that the appellant no. 2, Bipin Rai, has already been taken into judicial custody in connection with Parsa P.S. Case No. 106/2020, pending in the court of learned Additional District



and Sessions Judge, Ist/Special Judge, SC/ST (POA) Act, Saran.
Hence, he wants to withdraw the appeal for grant of anticipatory bail on behalf of appellant no. 2, Bipin Rai.

Permission is accorded.

Accordingly, the appeal for grant of anticipatory bail on behalf of appellant no. 2, Bipin Rai, is dismissed as withdrawn being infructuous.

Heard learned counsel for the parties.

The matter relates to grant of anticipatory bail to the appellant nos. 1 and 3 in connection with Parsa P.S. Case No. 106 of 2020, registered for the offences under Sections 341, 323, 504, 354(B), 379, 506/34 of the IPC and Sections 3(i)(r)(s) of SC/ST Act.

The prosecution case, in short, is that on 20.04.2020 at about 5.00 P.M., while Suraj Kumar Ram, son of the informant, was on way to home from Mathiya and reached near Panchayat Bhawan, he was surrounded by co-accused Bipin Rai and appellant no. 1 Manish Rai, abused and assaulted him after calling his caste name. Thereafter at about 7-7.30 P.M., appellant no. 3 Thakur Rai, co-accused Jamaluddin, Samaluddin, co-accused Bipin Rai and appellant no. 1 Manish Rai came at the door of the informant having *Lathi-Danda* and



started abusing by calling his caste name and on protest, they assaulted him with *Lathi*. When his wife Monika Devi and daughter-in-law, Manju Devi came to rescue him, on the order of appellant no. 3 Thakur Rai, appellant no. 1 Manish Rai and co-accused Manish Rai assaulted his daughter-in-law and snatched her *Mangalsutra*, *gold chain* and co-accused Jamaluddin and Salamuddin assaulted his wife Monika Devi with *Danda* and took her gold ear-ring. On hulla, villagers came and saved them. The accused persons also gave threatening.

It has been submitted on behalf of the appellant nos. 1 and 3 that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case due to village politics. There is no substantive evidence in respect of offence under Section 354(B) of the I.P.C. The alleged occurrence has not taken place at a public place. Hence, the offence under SC/ST Act is not attracted in the present case.

On behalf of the State, it is submitted that the appellant nos. 1 and 3 are named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 09.07.2020, passed by learned Additional District and Sessions Judge, Ist/Special Judge, SC/ST (POA) Act, Saran,



in A.B.P. No. 1076/2020, arising out of Parsa P.S. Case No. 106/2020, is set aside. The criminal appeal is allowed.

Accordingly, the appellant nos. 1 and 3, namely Manish Rai and Thakur Rai (except appellant no. 2 Bipin Rai), above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned learned Additional District and Sessions Judge, Ist/Special Judge, SC/ST (POA) Act, Saran, in A.B.P. No. 1076/2020, arising out of Parsa P.S. Case No. 106/2020.

(Sudhir Singh, J)

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