

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1910 of 2020

Arising Out of PS. Case No.-147 Year-2020 Thana- GAURICHAK District- Patna

1. Tuntun Rai Son of Late Ramdeo Rai Resident of Village- Nayachak Rahempur, P.S.- Gainichak, District- Patna.
2. Suresh Gop and Suresh Rai Son of Late Ram Nand Rai Resident of Village- Nayachak Rahempur, P.S.- Gainichak, District- Patna.
3. Subodh Rai Son of Suresh Rai Resident of Village- Nayachak Rahempur, P.S.- Gainichak, District- Patna.
4. Ranjan Kumar @ Ranjan Rai Son of Suresh Rai Resident of Village- Nayachak Rahempur, P.S.- Gainichak, District- Patna.
5. Sujit Son of Rajendra Rai Resident of Village- Nayachak Rahempur, P.S.- Gainichak, District- Patna.
6. Manhu Kumar @ Mantu Kumar Son of Rajendra Rai Resident of Village- Nayachak Rahempur, P.S.- Gainichak, District- Patna.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ansul
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-12-2020 Heard learned counsel for appellants and learned
Special P.P. for the State through video conferencing.

The present appeal has been filed against order dated 20-08-2020 passed by learned A.D.J.-XXI cum Special Judge, SC/ST Act, Patna in Gaurichak P.S. Case No. 147 of 2020 registered for the offence punishable under Sections 341, 323, 354(A), 448, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of SC/ST Act, whereby the prayer for anticipatory bail of appellants was rejected.



As per the prosecution case, on 24-05-2020, all the accused persons named in the FIR, including these appellants, entered into the house of informant, abused him and thereafter, assaulted him as well as other female members of his family.

It is submitted on behalf of appellants that there is general and omnibus allegation of abuse and assault against these appellants. It is further submitted that there is case and counter case between the parties. It is further submitted that though the occurrence is said to have taken place on 24-05-2020, but the FIR has been lodged on 31-05-2020 and there is no explanation for delay. The appellants have no criminal antecedent, as stated in paragraph – 3 of the memo of appeal.

Considering the aforesaid facts & circumstances as well as nature of allegation, the impugned order dated 20-08-2020 passed by learned A.D.J.-XXI cum Special Judge, SC/ST Act, Patna in Gaurichak P.S. Case No. 147 of 2020 is set aside and appeal is allowed.

Accordingly, let the appellants, above named, in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, be enlarged on 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 A.D.J.-XXI cum Special Judge, SC/ST Act, Patna in
connection with Gaurichak P.S. Case No. 147 of 2020.

(Prabhat Kumar Singh, J.)

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