IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1958 of 2020
Arising Out of PS. Case No.-215 Year-2020 Thana- CHANPATIA District- West Champaran

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1. Dhona Rai @ Bitu Kumar @ Dhora Rai @ Bittu Kumar S/o Late Bindhyachal Rai
2. Amit Kumar @ Amit Kumar Rai S/o Late Bindhyachal Rai
3. Babalu Ojha @ Babalu Kumar @ Bablu Kumar S/o Yogendra Ojha
4. Prajot Kumar @ P.K. Pandey S/o Jaiprakash Pandey
5. Dhebar Pandey @ Mritunjay Kumar Pandey S/o Sheo Pandey
6. Dhananjay Chaudhary S/o Bhikhari Chaudhary
7. Atul Kumar Rai @ Atul Rai S/o Krishna Rai
8. Rahul Rai @ Rahul Kumar Rai S/o Prayag Rai

All are Resident of Village-Yadav Chapar, P.S.-Chanpatia (Kumarbagh O.P.), District-West Champaran.

... ... Appellant/s

Versus

The State of Bihar ... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

2 18-12-2020 Heard learned counsel for the appellants and learned Special P.P. for the State through video conferencing.

The present appeal has been filed against the order dated 10.07.2020 passed by 1st Additional District and Sessions Judge cum Special Judge (SC/ST/POCSO), Bettiah, West Champaran in Chanpatia (Kumarbagh O.P.) P.S. Case No. 215/2020 registered for the offences punishable under Sections 147/149/323/354(B)/427/436/448/504/506 of the IPC and Sections 3(i)(r)(s)/3(2)(v)(v-a) of the SC/ST (POA) Act, whereby the prayer for anticipatory bail of appellants was rejected.

As per the prosecution case, on 15.05.2020 in the

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evening when appellant No. 1 Dhora Rai and one Sipahi Ojha were going on motorcycle, they dashed the son of the informant by the bike. On protest, it is alleged, that 200 persons including ten named FIR persons came at the door of the informant and abused them by caste name and looted some articles and again on 16.05.2020 in the morning, they set the house of informant on fire.

It is submitted that specific accusation of assault is against appellant No. 1 (Dhora Rai) and so far as others appellants are concerned, there is general and omnibus allegation of assault against them. Appellants have got clean antecedents.

Considering the aforesaid facts and circumstances as well as nature of allegation, the petition with regard to Appellant No. 1 (Dhona Rai @ Bitu Kumar @ Dhora Rai @ Bittu Kumar) is rejected and impugned order is confirmed and so far as Appellants No. 2 to 8, the same is allowed and impugned order order dated 10.07.2020 passed by 1st Additional District and Sessions Judge cum Special Judge (SC/ST/POCSO), Bettiah, West Champaran in Chanpatia (Kumarbagh O.P.) P.S. Case No. 215/2020 is set aside with respect to them.

Accordingly, let the appellants No. 2-8, above named,

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in the event of arrest or surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on 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 1st Additional District and Sessions Judge cum Special Judge (SC/ST/POCSO), Bettiah, West Champaran in connection with Chanpatia (Kumarbagh O.P.) P.S. Case No. 215/2020.

(Prabhat Kumar Singh, J)

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