

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4641 of 2019

Arising Out of PS. Case No.-84 Year-2017 Thana- SC/ST District- Sitamarhi

1. Ajay Rai @ Ajay Kumar, Son of Mauje Rai, Resident of Village - Birta Tola, Punoura, P.S.- Sitamarhi, District - Sitamarhi.
2. Sanjay Rai, Son of Mauje Rai, Resident of Village - Birta Tola, Punoura, P.S.- Sitamarhi, District - Sitamarhi.
3. Chitra Rekha Kumari, Daughter of Mauje Rai, Resident of Village - Birta Tola, Punoura, P.S.- Sitamarhi, District - Sitamarhi.
4. Mauje Rai, Son of Basudeo Rai, Resident of Village - Birta Tola, Punoura, P.S.- Sitamarhi, District - Sitamarhi.
5. Prema Devi, Wife of Mauje Rai, Resident of Village - Birta Tola, Punoura, P.S.-Punoura, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjeet Kumar Mishra
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 07-01-2020 Heard learned counsel for the appellants and the learned Additional Public Prosecutor for the State.

This appeal, under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 05.09.2019 passed in A.B.P. No. 1715/19/167/19, whereby and whereunder the learned Ist Additional Sessions Judge-cum- Special Judge, Sitamarhi, rejected the prayer for pre-arrest bail of the appellants in connection with Sitamarhi SC/ST P.S. Case No. 84



of 2017 registered under Sections 341/323/354/504/506/34 of the Indian Penal Code and Sections 3(1)(r)(s)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The persecution case, in brief, is that on 08.09.2017, at about 11 A.M., Hema Devi, informant, was engaged to collect the soil fallen from the wall of her house. At that time, appellants came there and started to abuse denoting her cast “Dhobi” and also caused assault through lathi and stick and tried to unfold her cloths. In the meantime, her son was also sustained injury.

Learned counsel for the appellants submits that, in fact, Jagmuni Devi, Patidar of the appellants, sold some land of the share of the appellants in favour of the informant and after knowing the said fact, Title Suit No. 79 of 2009 was filed by Mosmat Mrachia Devi and Mauje Rai, father of appellant nos. 1, 2 and 3, against the informant of the present case and Jai Kumari Devi in the court of Sub-Judge-I, Sitamarhi but only to give undue pressure to settle the aforesaid Title Suit, the informant lodged the present case with false allegation.

Having considered the facts and circumstances of the case, the impugned order is set aside and this appeal is allowed.



Let the appellants, above named, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, Sitamarhi, in connection with Sitamarhi SC/ST P.S. Case No. 84 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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