

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1238 of 2021

Arising Out of PS. Case No.-296 Year-2020 Thana- MINAPUR District- Muzaffarpur

1. Umesh Rai Son Of Kailash Rai Resident Of Village - Rampur Hari, Ps.- Minapur, District - Muzaffarpur.
2. Panesh Rai Son Of Kailash Rai Resident Of Village - Rampur Hari, Ps.- Minapur, District - Muzaffarpur.
3. Rajesh Rai Son Of Kailash Rai Resident Of Village - Rampur Hari, Ps.- Minapur, District - Muzaffarpur.
4. Rahul Sahani @ Rahul Kumar S/O Manoj Sahani Resident Of Village - Rampur Hari, Ps.- Minapur, District - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Ranjan- Advocate
For the Respondent/s : Dr. Ajeet Kumar- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-07-2021 Heard Mr. Ravi Ranjan, the learned Advocate for the appellants and Dr. Ajeet Kumar, the learned Special Public Prosecutor for the State.

The appeal on behalf of appellant no.4 is sought to be withdrawn as he has been arrested.

The application with respect to appellant no.4, Rahul Sahani alias Rahul Kumar is dismissed as withdrawn.

The appellant nos.1, 2 and 3 have challenged the order dated 05.12.2020 passed by the learned Special Judge, SC/ST Act, Muzaffarpur in connection with Minapur P. S. Case No.296 of 2020, instituted for the offences under Sections 341, 323, 324, 325, 307, 354, 504/ 34 of the Indian



Penal Code and Section 3(1)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

It is alleged in the F.I.R. that the accused persons pulled the hair of the informant and abused her. She was also assaulted. The reason for such assault was that the father-in-law of the informant had complained against consumption of liquor by the appellants.

The learned Advocate for the appellants has submitted that the occurrence as narrated in the F.I.R. never took place. In fact, the informant as well as the appellants are neighbours.

There is some dispute between the parties but deliberately such offences have been reported which would attract the provisions of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act in order to prevent the appellants from taking advantage of the provision of anticipatory bail. None of the persons of the locality has supported the accusation levelled against the appellants. It has also been submitted that none of the appellants consume liquor and most of them are teetotallers.



As noted above, the allegation of abusing the informant by taking her caste name has been inserted in the F.I.R. with deliberate intention of putting the appellant to some undue pressure.

For the reasons afore-noted, the order dated 05.12.2020, referred to above, is set aside.

The appeal stands allowed.

The appellant no.1, Umesh Rai, appellant no.2, Panesh Rai and appellant no.3, Rajesh Rai, above named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST Act, Muzaffarpur in connection with Minapur P. S. Case No.296 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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