

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1305 of 2021**

Arising Out of PS. Case No.-202 Year-2020 Thana- BHELDI District- Saran

1. MUKESH KUMAR RAI @ MUKESH RAI, Son of Arjun Rai Resident of Village - Sheikhpura, P.S. Amnour, District - Saran at Chapra.
2. Rakesh Ray @ Rakesh Kumar, Son of Arjun Rai Resident of Village - Sheikhpura, P.S. Amnour, District - Saran at Chapra.
3. Ritesh Kumar Ray @ Ritesh Kr. Ray @ Ritesh Kumar Rai, Son of Arjun Rai Resident of Village - Sheikhpura, P.S. Amnour, District - Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jeetendra Narayan
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-07-2021 Heard Mr. Jitendra Narayan, learned Advocate

for the appellants and Ms. Usha Kukmar -1, learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

06.01.2021, passed by the learned 1st Additional

Sessions Judge cum Special Judge SC/ST Prevention of

Atrocities Act, Saran at Chapra, in A.B.P. No. 08 of

2021, arising out of Bheldi P. S. Case No. 202 of 2020,

dated 04.11.2020, whereby the prayer made on behalf

of the appellants for grant of anticipatory bail for the



offences punishable under Sections 341, 323, 354, 504 and 34 of the Indian Penal Code and Section 3(i) (r) (s) (w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been rejected.

It has been alleged in the F.I.R. that the appellants have assaulted the informant and others.

It has been urged on behalf of the appellants that the occurrence took place as an aftermath of the elections in which the appellants and the informant were on opposite sides. A case also has been lodged against the informant and others by the grandfather of the appellants.

None of the victims are reported to have received any grievous injuries.

The accusation inviting the mischief of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is highly motivated.

Regard being had to the afore-stated facts, the order dated 06.01.2021, passed by the learned 1st



Additional Sessions Judge cum Special Judge SC/ST
Prevention of Atrocities Act, Saran at Chapra, is set
aside.

The appeal stands allowed.

The appellants, above-named, are directed to
be released on bail, in the event of their arrest or
surrender before the court below within a period of eight
weeks from the date of receipt / production of a copy of
this order, on their furnishing bail bonds in the sum of
Rs. 10,000 /- (Ten Thousand) each with two sureties of
the like amount each to the satisfaction of the learned
1st Additional Sessions Judge cum Special Judge SC/ST
Prevention of Atrocities Act, Saran at Chapra, in
connection with Bheldi P. S. Case No. 202 of 2020,
subject to the conditions as laid down under Section 438
(2) Cr.P.C.

(Ashutosh Kumar, J)

skm/-

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