

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1515 of 2021

Arising Out of PS. Case No.-24 Year-2020 Thana- SC/ST District- Saran

1. Simlesh Rai @ Simlesh Kumar Ray Son of Chanesar Rai Resident of Village - Suratpur, P.S. - Doriganj, District - Saran at Chapra (Bihar).
2. Mahesh Rai Son of Chandra Shekhar Rai Resident of Village - Suratpur, P.S. - Doriganj, District - Saran at Chapra (Bihar).
3. Subhash Rai Son of Chandra Shekhar Rai Resident of Village - Suratpur, P.S. - Doriganj, District - Saran at Chapra (Bihar).
4. Ramjeet Rai @ Ramjeet Kumar Ray Son of Ramishwar Ray Resident of Village - Suratpur, P.S. - Doriganj, District - Saran at Chapra (Bihar).
5. Guddu Rai @ Guddu Kumar Ray Son of Surendra Rai Resident of Village - Suratpur, P.S. - Doriganj, District - Saran at Chapra (Bihar).
6. Raju Rai Son of Late Manjay Ray Resident of Village - Suratpur, P.S. - Doriganj, District - Saran at Chapra (Bihar).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-11-2021 Heard learned counsel for the appellants and

learned APP for the State.

Learned counsel for the appellants is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to

do so by the office.



The appellants have challenged the order dated 24.11.2020 passed by the learned 1st Additional Sessions Judge-Special Judge, SC/ST(POA), Act, Saran at Chapra in connection with Saran SC/ST P.S. Case No. 24 of 2020 instituted for the offences under Sections 147, 341, 323, 325, 354, 447, 504, 506 of the Indian Penal Code and Section 3(1)(r)(s)(w) 3(2) (va) of the SC & ST (Prevention of Atrocities) Act, 1989, whereby the prayer for being released on anticipatory bail has been rejected.

It is submitted by learned counsel for the appellants that appellant Nos. 3 and 5 namely Subhash Rai and Guddu Rai @ Guddu Kumar Ray have been arrested. Hence, he seeks permission to withdraw the application with regard to appellant Nos. 3 and 5.

Permission is accorded.

Accordingly, the applications with regard to appellant Nos. 3 and 5 are permitted to be withdrawn.

Learned counsel for the appellants submits



that the allegation against the appellants is omnibus and general. There is counter version of the occurrence also and in the background of some land dispute, the present case has been lodged. Moreover, the occurrence has not been committed in public view, hence the provisions of the SC/ST Act shall not be attracted. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 24.11.2020. The appeal is hereby allowed.

The appellants, above named, except appellant Nos. 3 and 5 are directed to be released on bail in the event of their arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA), Act, Saran at Chapra in connection with Saran



SC/ST P.S. Case No. 24 of 2020.

(Sunil Kumar Panwar, J)

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