

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1239 of 2021

Arising Out of PS. Case No.-72 Year-2019 Thana- VIDYAPATINAGAR District- Samastipur

1. JHARI RAI @ DHARI RAI @ GANGADHAR RAI @ GANGA PRASAD YADAV @ DHARI RAY Son of Late Tiro Ray @ Tiro Rai Resident of Village - Sherpur Diyara, P.S.- Vidyapati Nagar, Distt.- Samastipur, Bihar.
2. Bijli Rai @ Vijay Kumar Rai @ Vijli Ray @ Vijli Ray @ Vijay Ray Son of Late Sita Ram Ray Resident of Village - Sherpur Diyara, P.S.- Vidyapati Nagar, Distt.- Samastipur, Bihar
3. RANDHIR RAI @ RANDHIR KUMAR RAI @ RANDHIR RAY @ RUNDHIR RAY Son of Sudhir Ray @ Dhani Rai Resident of Village - Sihma Ramdhari, P.S.- Mathiani, Distt.- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Saket Kumar, Advocate.
For the Respondent/s : Mr. Sadanand Paswan, Spl. PP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 30-07-2021 Heard the parties in virtual Court.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 03.10.2020 passed by the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Samastipur in Vidyapati Nagar P.S. Case No. 72 of 2019 registered under Section 302/34 of the of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(1)(r)(s) and 3 (2) (Va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.



There is general and omnibus allegation against seven named and 2-3 unknown accused persons of commission of assault against husband of the informant. Specific allegation is against co-accused Ravin Rai to have caused fire arm injury at the leg of the husband of the informant. The doctor has found three lacerated wounds, one at left calf area. Both tibia and fistula bones were ruptured. Another wound was below the knee and the last one was below left knee medially. All injuries were caused by hard and blunt substance.

Submission is that some other similarly situated co-accused have already been allowed bail. Investigation of the case is already complete.

Considering the facts of the case aforesaid, let the appellants, above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellants shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to



cancel the bail bond of the appellants.

(c) The appellants shall not leave the country without permission of the trial Court.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

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