

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1243 of 2021

Arising Out of PS. Case No.-336 Year-2020 Thana- MUFFASIL District- West Champaran

1. BHIKHAN RAI @ BHISHMA RAI Son of Late Dhrup Rai Resident of Village - Babu Tola, Gurwalia, P.S.- Bettiah Mufassil (Manwapul O.P), Distt.- West Champaran.
2. RANJIT KUMAR SINGH @ RANJIT SINGH Son of Jagat Singh Resident of Village - Babu Tola, Gurwalia, P.S.- Bettiah Mufassil (Manwapul O.P), Distt.- West Champaran.
3. ASHUTOSH KUMAR @ ASHUTOSH RAI Son of Julfi Rai Resident of Village - Babu Tola, Gurwalia, P.S.- Bettiah Mufassil (Manwapul O.P), Distt.- West Champaran.
4. RITESH KUMAR RAI @ RITESH RAI Son of Surendra Rai Resident of Village - Babu Tola, Gurwalia, P.S.- Bettiah Mufassil (Manwapul O.P), Distt.- West Champaran.
5. Rajan Kumar Singh @ Rajan singh Son of Ranjeet Kumar Singh Resident of Village - Babu Tola, Gurwalia, P.S.- Bettiah Mufassil (Manwapul O.P), Distt.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ritesh Kumar

For the Respondent/s : Mr. Special P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-07-2021 Heard Mr. Ritesh Kumar, learned Advocate for the appellants and the learned Special P.P. for the State.

The appellants have challenged the order dated
08.09.2020 passed by the learned 1st Additional Sessions



Judge-cum-Special Judge, SC/ST, Bettiah, West Champaran in Anticipatory Bail Application No. 1281 of 2020 arising out of Bettiah Muffasil P.S. (Manuwapul O.P.) Case No. 336 of 2020 where the prayer made on behalf of the appellants for grant of anticipatory bail for the offences under Sections 147, 341, 323, 324, 307, 504, 506 and 379 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST (Prevention of Atrocities), Act.

It has been alleged in the First Information Report that while the informant was on his way to a shop for purchasing ration, he was confined, abused and assaulted.

Learned counsel for the appellants has submitted that an absolutely false case has been lodged against them. In fact, the appellant no. 1 was not even named in the F.I.R. and his name has emerged only after the supervision of this case by a superior police office. Apart from this, it has been submitted that the appellant no. 1 has filed a case against the informant of the present case. Two cases were lodged against the informant. One of such cases is under the Arms Act. Learned counsel for the appellants has submitted that



an absolutely false case has been lodged which would become evident from the fact that even a person like appellant no. 1, who is a retired Government Servant and aged about 70 years has been made accused in this case. It has also been submitted that there was no occasion for the appellants to have unnecessarily harassed the informant. In fact, there was some dispute with respect to functioning of the PACS and taking advantage of his community, it has been argued, the informant has filed this case.

Regard being had to the afore-mentioned circumstances and the arguments, the order impugned in the present appeal is set aside.

The appeal stands allowed.

The appellants, above named, are directed to be released on bail in the event of his 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 his furnishing bail bonds in the sum of Rs. 10,000 (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-



Special Judge, SC/ST, Bettiah, West Champaran, in
connection with Bettiah Muffasil P.S. (Manuwapul O.P.)
Case No. 336 of 2020.

(Ashutosh Kumar, J)

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