

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1334 of 2021

Arising Out of PS. Case No.-348 Year-2019 Thana- RAHUI District- Nalanda

1. GURUDEO BIND S/O MAHESH BIND R/o village- Imlibigha, P.S.-
Rahui, District- Nalanda
2. MUNARIK BIND S/O LATE UMESH BIND R/o village- Imlibigha, P.S.-
Rahui, District- Nalanda

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anil Chandra

For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-08-2021 Heard learned counsel for the appellants and the
State through virtual mode.

The matter relates to grant of anticipatory bail to the appellants in connection with Rahui (Wena) P.S. Case No. 348 of 2019 registered for the offences under Sections 147, 148, 149, 341, 342, 302, 307, 504, 506 of the Indian Penal Code, 27 of the Arms Act and Sections 3(2)(va) of the SC/ST Act.

Allegedly, while the informant's brother was irrigating his field, he was fired upon by the accused persons as a result of which, he sustained fire-arms injury and later on, he died in course of treatment. It is also alleged that the accused persons were abusing the informant taking his caste name.



It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. The main allegation of firing is against co-accused Azad Bind who is said to have fired upon the informant. Further co-accused Bharat Bind is said to have fired which hit on the leg of Pradeep Bind. So far these appellants are concerned, there is no allegation of assault alleged against them. No injury is said to have been caused upon the deceased by the appellants. The alleged occurrence has not taken place within the public view. Hence, no offence under the provisions of SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the Complaint Case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 24-02-2020 passed by learned Additional District & Sessions Judge-Ist-cum-Special Judge, Nalanda at Bihar Sharif in Rahui (Wena) P.S. Case No. 348 of 2019 is set aside. The present Criminal Appeal is *allowed*.

Let the appellants, above named, in the event of arrest/surrender before the learned court below within a period



of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Additional District & Sessions Judge-Ist-cum-Special Judge, Nalanda at Bihar Sharif in Rahui (Wena) P.S. Case No. 348 of 2019.

Once the normalcy is restored, the appellants shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

A.K.V.//-

U		T	
---	--	---	--

