

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.489 of 2020

Arising Out of PS. Case No.-465 Year-2019 Thana- CHAPRA TOWN District- Saran

1. Ramesh Rai, aged about 48 years (M), Son of Rajendra Rai, Resident of Village - Rauja, P.S.- Chapra Town, District - Saran.
2. Umesh Rai, aged about 45 years (M), Son of Rajendra Rai, Resident of Village - Rauja, P.S.- Chapra Town, District - Saran.
3. Baban Rai @ Baban Kumar Rai, aged about 43 years (M), Son of Rajendra Rai, Resident of Village - Rauja, P.S.- Chapra Town, District - Saran.
4. Munna Kumar Rai, aged about 20 years (M), Son of Late Surendra Rai, Resident of Village - Rauja, P.S.- Chapra Town, District - Saran.
5. Chhotu Kumar Rai @ Chhotu Kumar, aged about 19 years (M), Son of Late Surendra Rai, Resident of Village Rauja, P.S. Chapra Town, District - Saran.
6. Manju Devi, aged about 42 years (F), Wife of Late Surendra Rai, Resident of Village - Rauja, P.S.- Chapra Town, District - Saran.
7. Lalita Devi, aged about 40 years (F), Wife of Ramesh Rai, Resident of Village - Rauja, P.S.- Chapra Town, District - Saran.
8. Munni Devi, aged about 38 years (F), Wife of Baban Rai @ Baban Kumar Rai, Resident of Village - Rauja, P.S.- Chapra Town, District - Saran.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Prakash
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 23-03-2021 Heard both sides.

The appellants filed this appeal under Section 14A(2) of the SC/ST (POA) Act against the order dated 16.10.2019, passed in ABP No.2708 of 2019 by which the learned Additional Sessions Judge-I-cum-Special Judge SC/ST, Saran rejected the prayer for anticipatory bail of the appellants in Chapra Town P.S. Case No.465 of 2019, registered under Sections 341, 323, 427, 324, 504



and 34 of the Indian Penal Code and under Sections 3(i)(r)(2-v) of the SC/ST Act.

The informant alleged that on 12.08.2019 at 05.00 in the evening, Ramesh Rai, Umesh Rai, Baban Rai, Munna Kumar Rai, Chhotu Kumar Rai, Manju Devi, Lalita Devi and Munni Devi all having armed with different weapons came and began to abuse the informant. Ramesh Rai is said to have assaulted the informant on his head with sword causing blood oozing injury. When the family members of the informant came to save the informant, the accused persons are alleged to have assaulted them.

Learned counsel for the appellants submits that there is a bonafide land dispute between the two sides. On account of such land dispute, both sides entered into scuffle and there is counter version being Saran Town P.S. Case No.466 of 2019. All the offences registered under IPC are bailable save and except the offences alleged under the SC/ST Act. It is submitted that the injuries found on the person of the informant, Bhagwan Manjhi is simple in nature caused by hard and blunt object although the informant alleged that Ramesh Rai assaulted him with sword, hence, the appellants deserve anticipatory bail.

Mr. Binay Krishna, the learned Special P.P. however, opposed the prayer for anticipatory bail and submits that the accused persons are alleged to have assaulted and abused the



informant.

Having considered the submissions of both sides and on perusal of the records, it appears that there is case and counter case and scuffle took place on account of land dispute. Both sides sustained injuries, but the injuries found on the persons of the injured are simple in nature.

Taking into consideration the facts aforesaid, I find that the appellants deserve anticipatory bail.

Accordingly, appellants, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Chapra Town P.S. Case No.465 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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