

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1783 of 2021**

Arising Out of PS. Case No.-711 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

1. VIRJU SAHNI @ BIRJU SAHANI Son of Lal Govind Sahani Resident of Village - Rasulpur Salim, P.S.- Ahiyapur, Distt.- Muzaffarpur.
2. RAHUL KUMAR Son of Shambhu Sahani Resident of Village - Rasulpur Salim, P.S.- Ahiyapur, Distt.- Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Hari Kishore Thakur, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 13-07-2021 Heard Mr. Hari Kishore Thakur, learned counsel

for the appellants and Mr. Binay Krishna, learned Spl. PP

for the State.

The appellants have challenged the order dated

05.01.2021 passed by the learned 3rd Additional

Sessions Judge-cum-Special Judge, SC/ST (POA) Act,

Muzaffarpur in A.B.P. No. 2794 of 2020 arising out of

Ahiyapur P.S. Case No. 711 of 2020, whereby the

prayer made on behalf of the appellants for grant of pre-

arrest bail for the offences under Sections 341, 147,

149, 323, 353, 504 and 506 of the Indian Penal Code



and Sections 3(i)(r)/3(2)(Va) of the SC/ST Act has been rejected.

It has been alleged in the FIR that when the informant in his capacity as A.S.I. had gone to pacify the warring parties, the appellants and others abused the police party and also assaulted some of them. The members of the police party were also abused by taking their caste name.

Learned counsel for the appellants has submitted that they have been named in this case on motivated grounds and on stray information provided to the officer-in-charge of the concerned police station. There is nothing specific against the appellants and in fact they have been made accused in this case because they were protesting against the unethical ways of the police in handling a private dispute between two group of villagers.

Regard being had to the nature of accusation and taking into account that the appellants do not have



criminal antecedents, the order dated 05.01.2021 is set aside.

The appeal is allowed.

On the appellants surrendering before the court below within a period of eight weeks, they shall be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in A.B.P. No. 2794 of 2020 arising out of Ahiyapur P.S. Case No. 711 of 2020.

(Ashutosh Kumar, J)

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