

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1810 of 2021

Arising Out of PS. Case No.-159 Year-2020 Thana- DORIGANJ District- Saran

1. Dhaneshwar Rai Son Of Late Bacchu Rai Resident Of Village- Doriganj Bazar P.S. Doriganj, District- Saran
2. Parmeshwar Rai @ Parmeshwar Ray Son Of Late Bacchu Rai Resident Of Village- Doriganj Bazar P.S. Doriganj, District- Saran
3. Santosh Rai Son Of Dhaneshwar Rai Resident Of Village- Doriganj Bazar P.S. Doriganj, District- Saran
4. Arjun Rai @ Arjun Kumar Son Of Dhaneshwar Rai Resident Of Village- Doriganj Bazar P.S. Doriganj, District- Saran
5. Mithilesh Rai Son Of Parmeshwar Rai Resident Of Village- Doriganj Bazar P.S. Doriganj, District- Saran
6. Laddu Rai @ Vikash Kumar @ Vikash Rai Son Of Jaiprakash @ Om Prakesh Rai Resident Of Village- Doriganj Bazar P.S. Doriganj, District- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar Singh- Advocate
For the Respondent/s : Mr. Binay Krishna- S.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 15-07-2021 Heard Mr. Mukesh Kumar Singh, the learned Advocate for the appellants and Mr. Binay Krishna, the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 02.01.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Doriganj P. S. Case No.159 of 2020, instituted for the offences under Sections 341, 323,



324, 379, 504/ 34 of the Indian Penal Code and Section 3(1) (r), 3(2)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The accusation against the appellants and others is of assaulting and abusing the informant.

The learned Advocate for the appellants has submitted that there is a counter-version of the occurrence also. Nothing specific has been attributed against any one of the appellants. The appellants have been made accused in this case because they are in the same business of transportation as that of the informant and there is a business rivalry between them.

Apart from this, it has been submitted that the parties are resident of the same village and considering the futility of this litigation, the informant has chosen now not to prosecute the appellants any further.

The accusation under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, it has been urged, was perhaps made for giving a serious colour to the case.

For the facts afore-stated, the order dated



02.01.2021, referred to above, is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran, Chapra in connection with Doriganj P. S. Case No.159 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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