

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1850 of 2021

Arising Out of PS. Case No.-29 Year-2020 Thana- ANGARGHAT District- Samastipur

RAJEEV ROY S/o- LATE RAMESH ROY, aged about 32 years, Male,
Resident of Village-Supaul, Ward No. 2, P.S.- Angarghat, District-
Samastipur.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant : Mr.Choudhary Shyam Nandan, Advocate.
For the Respondent : Mr. Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-05-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through Virtual mode.

Learned counsel for the appellant is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

The matter relates to grant of anticipatory bail to the
appellant in A.B.P. No. 308/2021, in connection with Angarghat
P.S. Case No. 29 of 2020, registered for the offences under
Sections 341, 342, 323,324, 307, 354, 379/34 of the I.P.C. and
3(1)(r) and 3(1)(s) of the SC/ST Act.

The prosecution case, in short, is that on 11.04.2020 at
about 4.00 P.M., while the informant was cutting her ripped
wheat crop in her rent based land with her son Sonu Kumar and



daughter Soni Kumari, saw that co-accused Pramod Roy and Shambhu Roy had made entered their buffaloes in her field and they were damaging the wheat crops. Upon such, her son Sonu Kumar asked them not to do so. Upon which, Shambhu Roy and Pramod Roy started abusing in abusive language and on protest, they had started assaulting her son Sonu and on protest, the informant was also beaten with catching her hair. Thereafter, Rajiv Roy (appellant), Rahul Roy, Aadarsh Kumar and Raushan Roy came armed with Lathi and Danda and surrounded the informant and her husband and son Sonu. When they started fleeing from there then on the order of Dilip Roy, Arun Roy, co-accused Gopal Roy put her daughter by catching her hair on the earth and Dilip Roy and Arun Roy assaulted with fists and slaps. Thereafter Rajan Kumar brought her husband at her house and confined in a room and Mintu Roy and Chintu Roy assaulted him with fists and slaps. When the informant went to rescue her husband, Dilip Roy and Gopal Roy caught her and tried to remove her Sari. On order of Arun Roy, co-accused Rahul Roy took gold Jitiya of one Bhar and ear-ring of the informant. On hulla, villagers assembled there and treated them in a hospital. On wrong pretext, a case was also lodged by the accused persons against her and her family.



It has been submitted on behalf of the appellant that the appellant has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against him. As far as allegation of assault is concerned, the same is general and omnibus in nature. No specific overt act is alleged against the appellant. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the appellant's side has not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellant is named in the F.I.R.

In view of the aforesaid facts and circumstances, the order dated 01.02.2021, passed in A.B.P. No. 308/2021 in connection with Angarghat P.S. Case No. 29 of 2020, by learned Special Judge, SC/ST-cum-Ist Additional Sessions Judge, Samastipur, is set aside. The criminal appeal is allowed.

Let the appellant above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his



personal bond to the satisfaction of the learned Special Judge
SC/ST-cum-Ist Additional Sessions Judge, Samastipur, in
connection with Angarghat P.S. Case No. 29 of 2020.

Once the normalcy is restored, the appellant 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)

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