

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2081 of 2021

Arising Out of PS. Case No.-423 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. Dheeraj Rai @ Dheeraj Kumar Son Of Yogendra Rai R/O Village- Ram Nagar, P.S.- Chapra Mufassil, District- Saran.
2. Bablu Rai Son Of Surendra Rai R/O Village- Ram Nagar, P.S.- Chapra Mufassil, District- Saran.
3. Raju Rai @ Rajun Kumar Son Of Sudarshan Rai R/O Village- Ram Nagar, P.S.- Chapra Mufassil, District- Saran.
4. Neelam Rai @ Rajesh Rai Son Of Sudarshan Rai R/O Village- Ram Nagar, P.S.- Chapra Mufassil, District- Saran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar Srivastva, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-05-2021 Heard learned counsel for the appellants and learned
Spl. P.P. for the State through virtual mode.

The matter relates to grant of anticipatory bail to the appellants in connection with a case registered for the offences under Sections 341, 323, 354, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act, 1989.

The prosecution case, in short is that the appellants No.1 and 2 misbehaved with the daughter of the informant and appellants No.3 and 4 assaulted the informant by means of lathi

and bhala and the appellants also abused the informant by taking her caste name.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. Subsequently the informant has retracted from her earlier statement made in the F.I.R. A petition has also been filed in the court below. Same is Annexure 2 to the present appeal. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

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

In view of the aforesaid facts and circumstances, the order dated 15.02.2021, passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC.ST (POA) Act, Saran at Chapra vide A.B.P. No. 2453 of 2020 in connection with Chapra Muffasil Case No.423 of 2020, is set aside. The criminal appeal is allowed.

Let the appellants, 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 their personal bond to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC.ST (POA) Act, Saran at Chapra in connection with Chapra Muffasil Case No.423 of 2020.

Once the normalcy is restored, the appellants will 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)

Narendra/-

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