

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2419 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- DIGHWARA District- Saran

1. PANKAJ RAI @ PANKAJ KUMAR RAI Son of Dahaur Rai Resident of Village- Saidpur Dighwara, P.S.- Dighwara, District- Chapra (Saran).
2. Sunita Devi Wife of Pankaj Rai Resident of Village- Saidpur Dighwara, P.S.- Dighwara, District- Chapra (Saran).
3. Chandan Rai Son of Ramadhar Rai Resident of Village- Saidpur Dighwara, P.S.- Dighwara, District- Chapra (Saran).
4. Deepak Rai Son of Ramadhar Rai Resident of Village- Saidpur Dighwara, P.S.- Dighwara, District- Chapra (Saran).
5. Naveen Rai Son of Ramadhar Rai Resident of Village- Saidpur Dighwara, P.S.- Dighwara, District- Chapra (Saran).

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Sanjeev Kumar Jha, Advocate Mr. Jitendra Narain Sinha, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-08-2021 Heard Mr. Sanjeev Kumar Jha, learned counsel for the appellants and Mr. Binay Krishna, learned Spl. PP for the State.

The appellants have challenged the order dated 05.03.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in A.B.P. No. 123 of 2021 arising out of Dighwara P.S. Case No. 101 of 2020, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 341, 323,



379, 504 and 34 of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST (Prevention of Atrocities) Act has been rejected.

The accusation against the appellants is of having assaulted the members of the prosecution party.

It has been urged that the occurrence arose out a trifle and the allegations are over exaggerated in order to give a serious colour to the case. There is no injury report on record as yet. He further submits that the accusations are totally false.

For the reasons aforesaid, the order dated 05.03.2021 is set aside.

The appeal stands 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 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in A.B.P. No. 123 of 2021 arising out of Dighwara P.S. Case No. 101 of 2020.

(Ashutosh Kumar, J)

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