

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2698 of 2021**

Arising Out of PS. Case No.-224 Year-2020 Thana- NAANPUR District- Sitamarhi

PRAMOD RAI S/o Late Ram Chandra Rai R/o Village - Bahurar, P.S.-
Nanpur, Dist. - Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Alok, Advocate
For the Respondent/s : Spl.PP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 23-06-2021 Heard the parties through video conferencing.

The appellant has filed the instant appeal against the order dated 27.3.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST Act, Sitamarhi whereby the prayer for bail of the appellant in connection with Naanpur P.S. Case no. 224 of 2020 registered under sections 323, 324, 379, 341, 354, 504, 506 and 34 of the Indian Penal Code and sections 3(1)(r)(s)(w) of the SC & ST (POA) Act was rejected.

As per allegation in the FIR, it is stated by the informant that as a result of an earlier occurrence the 14 named accused persons including the appellant herein came variously armed and started to abuse the informant in the name of her caste. It is further stated that Dilip Rai and Harendra Rai pushed



her to the ground while other accused persons started to assault her. They also assaulted her husband, brother-in-law, father-in-law and others with lathi, danda rod etc, when they came to her rescue.

It is submitted by learned counsel for the appellant that the allegations as levelled in the FIR are false and concocted. For an occurrence which took place on 22.6.2020 at 9 pm, inspite of the police station being at a distance of only 5 kms, information was given to the police station and the FIR registered the next day on 23.6.2020 at 4.45 pm. It is submitted that the allegations against the appellant are general and omnibus in nature. The injury reports which have been brought on record as Annexure 2 series to the petition and which have also been referred to in the order of the learned Court below, do not support the allegations of assault by 14 armed accused persons. There is case and counter case between the parties, the counter case having been lodged by the mother of Rakesh Yadav who is an accused along with the appellant. The appellant is in custody since 14.3.2021.

The appeal is opposed by the learned Spl. PP for the State.

Having heard learned counsel for the parties and



taking into consideration the submissions made on behalf of the appellant together with the materials on record and charge sheet having been submitted in the case, the Court is inclined to allow the instant appeal and the appeal is allowed. The order dated 27.3.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST (POA) Act, Sitamarhi is set aside.

The appellant is directed to be enlarged on bail in connection with Naanpur P.S. Case no. 224 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of the learned the learned 1st Additional Sessions Judge-cum-Special Judge, SC & ST (POA) Act, Sitamarhi.

(Partha Sarthy, J)

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