

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3000 of 2021**

Arising Out of PS. Case No.-125 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

- =====
1. VIMAL RAI S/O LATE DINESH RAI
 2. VICKY RAI S/O VIMAL RAI
- All are R/o village- Raichiahi, Kachahri Tol, Ward No. 04, P.S.- Muffasil
(Singhaul), District- Begusarai

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Uma Shankar, Adv.
For the State	:	Mr. Sadanand Paswan, Spl. P.P.
For the Informant	:	Smt. Perna Anand, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 10-08-2021 Heard learned counsel for the parties through video conferencing.

The instant appeal has been preferred against the order dated 23.3.2021 passed by the learned Special Judge, S.C. and S.T. Act, Begusarai whereby the prayer for bail of the appellants in connection with Begusarai Muffasil (Singhaul) P.S. Case no.125 of 2021 was rejected.

As per allegations in the F.I.R., the ten named accused persons including the appellants herein along with 8-10 unknown persons came variously armed and started to abuse the informant in the name of his caste. They were threatening that the case lodged against them should be withdrawn or else they



would be killed one by one. It is stated that accused Munnilal Rai fired from his pistol causing injury to the wife of the informant as a result of which she fell down unconscious. The accused persons ran away giving threats.

It is submitted by learned counsel for the appellants that the allegations are false and concocted. The appellants have been falsely implicated in the case. Accepting the allegations to be true for the sake of argument, no overt act has been alleged against the appellants who are in custody since 28.2.2021. A number of co-accused as also Arvind Rai has been enlarged on bail vide order dated 26.7.2021 passed in Cr. Appeal(SJ) no.2919 of 2021.

The appeal is opposed by learned Special P.P. appearing for the State and also learned counsel for the informant. It is submitted by learned counsel for the informant that the appellants are named in the F.I.R. and it is as a result of their common intention that firing was carried out by the accused Munnilal Rai. The wife of the informant is still undergoing treatment.

Having heard learned counsel for the parties and taking into consideration that as per the F.I.R. the sole assailant is accused Munnilal Rai and investigation in the case has



concluded, the Court is inclined to allow the appeal. The appeal is allowed and the order impugned dated 23.3.2021 is set aside.

The appellants are directed to be enlarged on bail in connection with Begusarai Muffasil P.S. Case no.125 of 2021(G.R. no.26 of 2021) each of them 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 Special Judge, S.C. and S.T. (POA) Act, Begusarai.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

