

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1730 of 2020

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

1. Pramod Ray, Male, aged about 46 years
2. Shambhu Ray @ Buchcha, Male, aged about 35 years, both 1 and 2 are sons of Late Mahavir Ray
3. Rajan Kumar, Male, aged about 25 years, S/o Late Ramakant Roy, all resident of Village-Supaul, Ward No.2, Police Station-Angarghat, District-Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Choudhary Shyam Nandan, Advocate
For the Respondent/s	:	Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2021 Heard learned counsel for the appellants and learned
A.P.P. for the State.

The appeal is against the order dated 29.06.2020 passed by learned 1st Additional Sessions Judge, Samastipur in A.B.P. No.863 of 2020, whereby the Anticipatory Bail Petition of the appellants in connection with Angarghat P.S. Case No.29 of 2020 registered for the offences punishable under Sections 341, 324, 342, 323, 307, 379/34 of the Indian Penal Code and Sections 3 (i)(r) and 3(1)(s) of SC/ST Act, has been rejected.

The prosecution case is based on the allegation made to the Angarghat police station in which the informant has



alleged 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 Pramod Ray and Shambhu Ray @ Buchcha (Appellants no.1 and 2) had made entered their buffalos in her field. The Buffalo were damaging the wheat crops. Upon such her son Sonu Kumar asked them not go do so upon which the accused persons started abusing in adhesive language and on protest, they had started assaulting Sonu and on protest, the informant was also beaten with catching her hair. When her husband came to rescue her, he was also beaten. Any how she tried to flee away from there, she was intercepted by Dilip Ray and uttered caste name and ordered to remove her sari and made her naked. By catching them with their hairs, the informant her daughter with her husband and son brought at accused persons's Darawaja and confined them in a room. Dilip Ray tried to remove her sari and snatched her gold made Jitia from her neck. On intervention, they were released from their captive, then they went for treatment. But on wrong pretext a case was lodged by accused persons against her and her family.

Learned counsel for the appellants submits that the appellants are quite innocent and have committed no offence.



He further submits that there is case and counter case between the parties and both sides have found the injuries, which are simple in nature. He further submits that the appellants have got no any criminal antecedent mentioned in paragraph-3 of the memo of appeal.

Learned A.P.P. for the State has opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Samastipur in connection with Angarghat P.S. Case No.29 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 29.06.2020 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

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