

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2919 of 2021

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

Arvind Rai @ Arbind Rai S/o Late Ghoghan Rai R/o Village- Raichaiahi,
P.S.- Begusarai Muffasil (Singhaul O.P.), District- Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shubhesh Pandey, Adv.
For the Respondent/s	:	Mr. Perna Anand, Spl.PP
For the Informant	:	Mr. Ravi Shankar Sahay, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-07-2021 Heard learned counsel for the appellant, learned
Spl.P.P. for the State and learned counsel for the informant
through video conferencing.

The instant appeal has been preferred against the order dated 21.6.2021 passed by the learned Special Judge, SC/ST (POA) Act, Begusarai whereby the prayer for bail of the appellant in connection with Begusarai Mufassil (Singhaul) P.S. Case No.125 of 2021 registered under section 307 and other sections of the Indian Penal Code, section 27 of the Arms Act and section 3 of the SC and ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R., it is stated by the informant that ten named accused persons including the



appellant herein along with 8 to 10 unknown persons, by way of a conspiracy 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 They were threatening that the case lodged against them should be withdrawn or else they would kill all of them one by one. Thereafter it is stated that Munni Lal Rai fired from a pistol causing firearm injury on the wife of the informant as a result of which she fell down unconscious. On the co-villagers running to their rescue, the accused persons ran away giving threats. She was taken to the hospital for treatment.

It is submitted by learned counsel for the appellant that the allegations as levelled in the F.I.R. are false and concocted. No overt act has been alleged against this appellant. Accepting the allegations levelled in the F.I.R., the allegation is solely against Munni Lal Rai. The appellant is in custody since 13.4.2021.

The appeal is opposed by learned Spl.P.P. for the State as also learned counsel appearing for the informant. It is submitted by learned counsel for the informant that the petitioner and others had committed a murder just a day before the present occurrence which led to institution of an F.I.R. being Mufassil P.S. Case No.123 of 2021 under section 302 and other



sections of the I.P.C. It is in continuity of the same that the instant occurrence has been given effect to wherein the accused persons acted by way of common intention and the appellant actively participated. This F.I.R. is Mufassil P.S. Case no.125 of 2021.

Having heard learned counsel for the parties and taking into consideration that the sole assailant as per F.I.R. is Munni Lal Rai and investigation in the case has concluded, the Court is inclined to allow the appeal. The appeal is allowed and the order dated order dated 21.6.2021 passed by the learned Special Judge, SC/ST (POA)Act, Begusarai, is set aside.

The appellant is directed to be enlarged on bail in connection with Begusarai Mufassil P.S. Case No.125 of 2021 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, SC/ST (POA)Act, Begusarai.

(Partha Sarthy, J)

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