

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1841 of 2020

Arising Out of PS. Case No.-81 Year-2020 Thana- BIBHUTIPUR District- Samastipur

1. Suresh Rai, Male, aged about 52 years, S/o Ram Avtar Rai
2. Bhola Rai @ Bhola Kumar, Male, aged about 24 years, S/o Nandan Rai
3. Deepak Rai, Male, aged about 23 years, S/o Sundeshwar Rai
4. Ajeet Rai @ Amarjat Rai, Male, aged about 22 years, son of Suresh Rai
5. Rahul Rai,, male, aged about 23 years, S/o Sundeshwar Rai
6. Swarath Rai, Male, aged about 53 years, S/o Bhuttu Rai
7. Rajan Rai, Male, aged about 24 years, S/o Jattan Rai
8. Aashish Rai, Male, aged about 26 years, S/o Upendra Rai
9. Mukul Rai, Male, aged about 23years, S/o Rajo Rai
10. Sujeet Ray, Male, aged about 22 years, S/o Permeshwar Raik, all resident of Village-Belsandi Tara Ghat, Ward No.1, P.S-Vibhutipur, District-Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Brajesh Kumar Singh, Advocate
For the Respondent/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-02-2021 Heard learned counsel for the appellants and learned
A.P.P. for the State.

The appeal is against the order dated 19.06.2020 passed by learned Additional District Judge-1st-cum-Special Judge (SC/ST Act), Samastipur in A.B.P. No.795 of 2020, whereby the Anticipatory Bail Petition of the appellant in connection with Vibhutipur P.S. Case No.81 of 2020 for the offences punishable under Sections 341, 323, 504 and 34 of the



Indian Penal Code and Sections 3 (i)(r)(s) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The prosecution case in short is that the informant namely Arun Kumar Paswan alleging therein that on 03.04.2020 at about 9.30 P.M. listened the noise on the orchard of Gopal Babu and saw that 25 -30 persons was running here and there in the meantime, Ganga Prasad came to me and requested to rescue him then Suresh Rai and Ram Swarath Rai caught the informant and Mukul Rai abused the informant and assaulted him on his neck.

Learned counsel for the appellants submits that the appellants are quite innocent and have committed no any offence and they have falsely been implicated in the present case. He further submits that the informant has not disclosed the father's name of all the appellants. He further submits that there is altercation between Gopal Babu and these appellants so a false case has been instituted by Gopal Babu through his servant namely Arun Kumar Paswan (the informant). He further submits that on perusal of the F.I.R., the appellants have not taken the name of the caste of the informant and have not abused, so no case is made out under Section SC/ST Act against the appellants. There is general and omnibus allegation against the



appellants and 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 Additional District Judge-1st-cum-Special Judge (SC/ST Act), Samastpur in connection with Vibhutipur P.S. Case No.81 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Accordingly, the order dated 19.06.2020 is set aside and appeal is allowed.

(Anjani Kumar Sharan, J)

Nasimul/-

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

