

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3104 of 2021

Arising Out of PS. Case No.-122 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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1. VINOD RAI Son of Bishundev Rai Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.
 2. Ganga Rai Son of Ram Briksha Rai Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.
 3. Tarkeshwar Rai Son of Late Sakal Rai Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.
 4. Bishundev Rai Son of Late Madho Rai Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.
 5. Sabal Rai Son of Late Madho Rai Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.
 6. Ashok Rai Son of Late Madho Rai Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.
 7. Bhikhari Rai Son of Dorik Rai Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.
 8. Gauri Shankar Rai Son of Late Ram Jee Rai Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.
 9. Vishwanath Rai Son of Sakal Rai Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.
 10. Rakesh Kumar Tiwari @ Rakesh Jha Son of Ram Bihari Tiwari Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.
 11. Anita Devi Wife of Tarkeshwar Rai Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.
 12. Shradha Devi Wife of Vishwanath Rai Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.
 13. Kirani Rai Son of Late Sakal Rai Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.
 14. Rama Kant Rai Son of Late Baleshwar Rai Resident of Village - Rariyahi, Kurmi Tola, P.S.- Tajpur (Halai O.P.), District - Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Laxmi Sada Late Bhothai Sada Resident of Village- Rariyahi, P.O.- Kumai, P.S.- Tajpur(Halai O.P.), Distt.- Samastipur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abdul Hakim, Adv.



For the State : Mr. Sadanand Paswan, SPP
For the Informant Mr. Dhananjay Kr. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-11-2021 Heard learned counsel for the parties.

This is an appeal under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of bail vide order dated 12.04.2021 passed by learned Additional District Judge 1st cum-Special Judge, SC/ST Act, Samastipur in connection with T.R. Case No. 865 of 2020, C.R. Case No. 122 of 2018 registered under Section 147 of the Indian Penal Code and Section 3 (ii) (v) (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that appellants are innocent and have been falsely implicated in this case. He submits that there is land dispute between the parties. There is general and omnibus allegation levelled against all the appellants. He further submits that appellants bear no criminal antecedent as stated in para-3 of this petition.

Learned Spl. PP for the State and informant opposed the prayer for bail submitting that there is specific



allegation upon all the appellants.

Considering the facts and circumstances of the case, provisional bail granted to the appellants vide order dated 26.08.2021 is hereby confirmed.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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