

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2020 of 2021**

Arising Out of PS. Case No.-327 Year-2019 Thana- MAHUA District- Vaishali

SHAMBHU RAI S/o Late Bhola Rai Resident of Village-Kheshrahiya, P.S.-
Mahua, District-Vaishali.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhay Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

2 21-08-2021 Heard Mr. Abhay Kumar, learned counsel for
the appellants and Mr. Sadanand Paswan, learned Spl.
PP for the State.

The appellant has challenged the order dated 23.01.2020 passed by the learned Additional Sessions Judge-Ist-cum-Special Judge, Hajipur, Vaishali in A.B.P. No. 02 of 2020 arising out of Mahua P.S. Case No. 327 of 2019, whereby the prayer made on behalf of the appellant for grant of pre-arrest bail for the offences under Sections 341, 323, 354, 307, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s) of the SC/ST (Prevention of Atrocities) Act has been rejected.

The informant has alleged that co-accused Sujit Sah has married her daughter forcibly for which he had filed a case against him. However under court's order,



the daughter of the informant had gone to Sujit Sah as his wife. The appellant along with Sujit Sah had, one day, accosted the informant and had asked her to withdraw the case which he had lodged against Sujit Sah. When she refused, she was given a push, as a result of which she fell down and also received injuries.

Learned counsel for the appellant has submitted that he has been made accused in this case only because he happens to a friend of aforesaid Sujit Sah, who has married the daughter of the informant against her wishes. The daughter of the informant wants to stay with aforesaid Sujit Sah. This is reflected from the fact that from the matrimonial relationship, a child also was born. Merely because the appellant and Sujit Kumar worked together at Bangalore as daily wage labourers, the informant has chosen to implicate him also. The appellant is an absolute outsider to the family of the informant and therefore, it appears that the accusation under the SC/ST (Prevention of Atrocities) Act is highly unjustified, unwarranted and has been hurled only for the purposes of giving a serious colour to the case.

For the facts aforesaid, the order dated 23.01.2020 is set aside.

The appeal stands allowed.

On the appellant surrendering before the court



below within a period of eight weeks, he shall be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-Ist-cum-Special Judge, Hajipur, Vaishali in A.B.P. No. 02 of 2020 arising out of Mahua P.S. Case No. 327 of 2019.

(Ashutosh Kumar, J)

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