

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3200 of 2021

Arising Out of PS. Case No.-73 Year-2020 Thana- SC/ST District- Saran

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1. Sudhir Kumar Rai, aged about 42 years, male, S/o Late Lalan Rai
 2. Manoj Rai, aged about 38 years, male, Son of Late Lallan Rai
 3. Ajeet Rai @ Ajeet Kumar Rai, aged about 35 years, male, Son of Lallan Rai
 4. Suresh Rai, aged about 65 years, male, S/o Gati Rai
- All are resident of Village- Keshari, P.S.- Ekma, District- Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Vijay Kumar, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 26-08-2021 Heard Mr. Vijay Kumar, the learned Advocate

for the appellants and Mr. Binay Krishna, the learned

Special Public Prosecutor for the State.

The appellants have challenged the order dated

13.04.2021 passed by the learned 1st Addl. Sessions

Judge-Cum-Special Judge, SC/ST (POA) Act, Saran at



Chapra in connection with Saran SC/ST P.S. Case No. 73 of 2020, instituted for the offences under Sections 323, 341, 448, 504, 307, 506 and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail has been rejected.

The appellants are alleged to have abused and assaulted the members of the prosecution party. The son of the informant is also stated to have been urinated upon by the accused persons.

It has been submitted on behalf of the appellants that an absolutely false case has been lodged against them. The complaint which has given rise to the subject F.I.R. was lodged after three months of the alleged date of occurrence. Earlier also, it has been submitted, a case had been lodged by the wife of the informant against the appellants under the various sections of the I.P.C. and the S.C./S.T. (Prevention of Atrocities) Act *vide* Ekma P.S. Case No. 152 of 2020. Considering the falsity of the accusation in that case, the



appellants were granted anticipatory bail by a Bench of this Court.

It has further been submitted that such accusations are repeatedly being hurled towards them for the reason that there is a dispute regarding a plot of land which appears to have been purchased by the informant, but the appellants are not ready to accept the sale-deed as genuine.

Regard being had to the aforesaid submissions, the order dated 13.04.2021, referred to above, is set-aside.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions Judge-Cum-Special Judge, SC/ST (POA) Act, Saran at Chapra in connection with Saran SC/ST P.S. Case No. 73 of 2020, subject to the



conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

(Ashutosh Kumar, J)

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