

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1932 of 2020

Arising Out of PS. Case No.-297 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

1. Tubhu Rai @ Arun Kumar Son of Late Ashok Rai Resident of Village-Bithwar, Police Station-Bhabhua in the district of Kaimur.
2. Manoj Rai @ Manoj Kumar Rai S/o Late Ashok Rai Resident of Village-Bithwar, Police Station-Bhabhua in the district of Kaimur.
3. Annu Rai @ Abhishek Rai S/o Mangru Rai @ Madhav Rai Resident of Village-Bithwar, Police Station-Bhabhua in the district of Kaimur.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr.Sunil Kumar, Advocate
For the Respondent	:	Mr. Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-01-2021 Heard learned counsel for the parties.

The present appeal is directed against the order dated 22.6.2020 passed by learned Additional Sessions Judge – I cum Special Judge, Kaimur in a case registered for the offence punishable under Sections 323/34 and other allied sections of the Indian Penal Code and Section 3 (1) (r) (s) of the SC/ST Act, whereby anticipatory bail of the appellants has been rejected.

As per the prosecution case, appellant Tubhu Rai assaulted the daughter and niece of the informant and when the same was opposed, all the accused persons including the appellants started abusing the informant and his brother with



their caste name. They also assaulted them with lathi and danda causing injuries to the informant.

Learned counsel for the appellants submits that the appellants have falsely been implicated in this case due to some altercation arose due to plucking of mangoes. He further submits that the allegation against the appellants is vague and general in nature. No offence under the SC/ST Act is made out against the appellants. Appellants have got no criminal antecedent. Injuries sustained by the informant are simple in nature.

Learned counsel for the state on the other hand opposes the prayer for bail.

Having regard to the submissions made by the parties and taking into consideration the materials available on record, this appeal is allowed and the impugned order dated 22.6.2020 is set aside.

Accordingly, in the event of arrest or surrender by the appellants, above named, before the court below within eight weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I cum Special



Judge, Kaimur at Bhabua in Bhabua Police Station Case No.
297 of 2020.

(Prabhat Kumar Singh, J)

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