

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2114 of 2020

Arising Out of PS. Case No.-49 Year-2018 Thana- KUDHNI District- Muzaffarpur

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Lallu Rai @ Lalu Ray, aged about 31 years, male, Son of Late Julum Rai,
Resident of Village - Dariyapur Kalohen (Bakarpur), P.S. - Kudhani (O.P.
Turki), District - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad, Adv.

For the Respondent/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 29-01-2021 Heard Mr. Sheo Kumar Prasad, learned Advocate

for the appellant and Mr. Vinay Krishna, learned Special

Public Prosecutor for the State.

This appeal is directed against the order dated

15.10.2020 passed by the learned Special Judge, Excise Act,

Muzaffarpur in connection with Kudhani P.S. Case No. 49 of

2018, dated 02.02.2018, registered for the offences under

Sections 341, 323, 504, 307, 333, 353 and 34 of the



Indian Penal Code and Section 3(i)(r) and (s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for grant of bail of the appellant has been rejected.

According to the First Information Report, an information was received in the concerned police station that a man has been tied to a pillar. When the informant went to the place of occurrence, he was jeered at and the appellant is said to have prevented him from untying the aforesaid person. In the meanwhile, a person who had consumed liquor had also arrived and the appellant prevented the police party from arresting him.

Learned counsel for the appellant has submitted that neither it is clear from the First Information Report that the appellant had tied the aforesaid person with a pillar nor that he himself was drunk. All that has been alleged against him is that he created obstruction in the exercise of the function of police party.

The appellant is stated to be in custody since 30.09.2020 and in all the cases in which he was made



accused earlier, he has been granted bail.

Considering the nature of accusation and the period of custody of the petitioner, the order dated 15.10.2020, referred to above, is set-aside.

The appellant, above-named, is directed to be released on bail on his furnishing bail bond in sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Kudhani P.S. Case No. 49 of 2018.

The appeal stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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