

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3504 of 2021

Arising Out of PS. Case No.-273 Year-2020 Thana- BAHERI District- Darbhanga

1. MAONJ KUMAR RAY Son of Late Gangadhar Ray Resident of Village - Bithaul, P.S.- Baheri, District - Darbhanga
2. Goutam Ray @ Raja Ray Son of Udaychandra Ray Resident of Village - Bithaul, P.S.- Baheri, District - Darbhanga
3. Gopal Jee Ray Son of Manoj Kumar Ray Resident of Village - Bithaul, P.S.- Baheri, District - Darbhanga
4. Praveen Raj @ Manoj Son of Late Raju Ray Resident of Village - Bithaul, P.S.- Baheri, District - Darbhanga

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Prem Kumar Jha, Adv. Mr.Vinay Kumar Mishra, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, Spl.P.P.
For the Informant	:	Mr.Kedar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-12-2021 Heard the parties.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes Act (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 30.07.2021, passed by learned 1st Additional Sessions Judge -cum- Special Judge, Darbhanga in SC/ST G.R. No.207 of 2020, arising out of Baheri P.S. Case No.273 of 2020, registered under sections 147, 148, 149, 341, 448, 380, 427, 436, 504 of the Indian Penal Code and section 3(1)(r)(s) of (SC/ST POA) Act.



The accusation against the appellants along with several accused persons is of forming an unlawful assembly and setting fire to the P.D.S. shop of the informant. It is alleged that loot has also been committed in the shop and on objection by the informant, one Manikant Ray started abusing the informant.

It is submitted by learned counsel for the appellants that appellants are quite innocent and have not committed any offence. No such occurrence as alleged ever took place. Appellants have been falsely implicated in this case due to dirty village politics. The appellants and informant are co-villager. There is no specific overt act against the appellants rather the allegations are general and omnibus in nature. The shop of the informant was looted and set on fire by the members of mob who were protesting the murder of one Avinash Kumar Ray. It is further submitted that there is case and counter-case between the parties. As per the FIR, the allegation of abusing the informant is also not attributed to the appellants. The appellant no.1 has no criminal antecedent while rest of the appellants have two criminal antecedent, as also mentioned in para-3 of the memo of appeal and they have been languishing in custody since 12.07.2021.

Learned Spl. PP for the State as well as learned counsel



for the informant have opposed the prayer for bail by submitting that the appellants have participated in the commission of the said occurrence, as such, they may not be enlarged on bail.

In the facts and circumstances of the case, since there is general and omnibus allegation against the appellants, let the above named appellants be released on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge -cum- Special Judge, Darbhanga in SC/ST G.R. No.207 of 2020, arising out of Baheri P.S. Case No.273 of 2020.

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

(Anjani Kumar Sharan, J)

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