

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.358 of 2021

Arising Out of PS. Case No.-361 Year-2020 Thana- BIHTA District- Patna

1. BUTA RAI @ NAWAL KISHORE RAI AND OTHERS Son of Hanslal Rai Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
2. Kirtan Patel @ Kirtan Kumar Son of Late Tapeswar Patel Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
3. Ram Pravesh Patel @ Ram Pravesh Son of Late Ram Awdhesh Patel Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
4. Rajesh Patel @ Rajesh Kumar Patel Son of Late Ram Awdhesh Patel Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
5. Kapil Patel @ Ram Kapit Rai Son of Late Chhotan Chaudhary @ Chhotan Patel Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
6. Chhathu Patel @ Chhathu Mahto Son of Late Chhotan Choudhary @ Chhotan Patel Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
7. Bablu Rai @ Ashok Kumar Son of Ram Bahal Rai Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
8. Nepul Rai @ Ajit Kumar Rai Son of Ram Nath Rai Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
9. Kishore Rai @ Kishore Kumar Son of Nagendra Ray Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
10. Virendra Rai @ Dhirendra umar Rai Son of Nagendra Ray Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
11. Khobhari Rai @ Surjit Rai Son of Late Panchhi Lal Rai Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
12. Panchanan Rai @ Surjit Rai Son of Vidya Rai @ Vidya Nand Rai Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
13. Pawan Rai @ Pawan Kumar Son of Late Nand Kumar Rai @ Nand Rai Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
14. Raju Rai @ Raju Kumar Rai Son of Balmiki Rai Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
15. Rajesh Rai @ Rajesh Kumar Son of Balmiki Rai Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
16. Rohit Kumar @ Rohit Rai Son of Kamlesh Rai Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
17. Ranjeet Rai @ Ranjeet Kumar Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
18. Sonu Rai @ Satendra Rai Son of Sahdeo Rai @ Satyadeo Rai Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
19. Sudhir Rai @ Sudhir Kumar Son of Deo Prasad Rai Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
20. Anil Rai @ Anil Kumar Rai Son of Late Ishwar Dayal Rai Resident of



Village-Kauriya, P.S.-Bihta, District-Patna.

21. Jhale Rai @ Arvind Rai Son of Suresh Rai Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
22. Kariya Rai @ Sonu Kumar Son of Ram Ratan Rai @ Ram Ratan Singh Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
23. Sushupal Rai @ Shishu Pal Son of Ram Ratan Rai @ Ram Ratan Singh Resident of Village-Kauriya, P.S.-Bihta, District-Patna.
24. Ashok Rai @ Ashok Kumar Rai Son of Late Panna Lal Rai @ Parmanand Rai Resident of Village-Kauriya, P.S.-Bihta, District-Patna.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the appellants and learned
Special P.P. for the State through virtual mode.

Learned counsel for the appellants is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The matter relates to grant of anticipatory bail to the
appellants in connection with a case registered for the offences
under Sections 147, 148, 341, 323, 307, 504/34 of the Indian
Penal Code and Section 3(i)(r)(s) of the SC/ST (Prevention of
Atrocities) Act, 1989.

The prosecution case, in short, is that the accused
persons including the appellants and 15 unknown persons



abused and assaulted the informant and his family members and by means of lathi and danda and they abused them by taking caste name.

It has been submitted on behalf of the appellants that there is no allegation of tampering of witnesses alleged against the appellants. The appellants have falsely been implicated in the present case. General and omnibus allegation has been made. It is a case and counter case between the parties. Free fight is alleged to have taken place. No specific overt act is alleged against the appellants. The alleged occurrence has not taken place within public view. Hence no offence under the SC/ST Act is attracted in the present case.

On behalf of the State, it is submitted that the appellants are named in the complaint case/F.I.R.

In view of the aforesaid facts and circumstances, the order dated 28.08.2020, passed by the learned Special Judge (SC/ST Act), Patna in connection with Special case No.242 of 2020 arising out of Bihta P.S. case No.361 of 2020, is set aside. The criminal appeal is allowed.

Accordingly, the appellants, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail



on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (SC/ST Act), Patna in connection with Special case No.242 of 2020 arising out of Bihta P.S. case No.361 of 2020.

(Sudhir Singh, J)

Narendra/-

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