

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3880 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- SC/ST District- Saran

-
1. VINOD RAI SON OF VISHWANATH RAI RESIDENT OF VILLAGE- BATHANA TOLA, NARHARPUR, P.S- MARHOWRAH, DIST- SARAN AT CHAPRA
 2. BIRBAL RAI @ BIRVAL RAY SON OF RAM PUJAN RAI RESIDENT OF VILLAGE- BATHANA TOLA, NARHARPUR, P.S- MARHOWRAH, DIST- SARAN AT CHAPRA

... .. Appellant/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s : Ms. Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-10-2021 Heard Mr. Dewendra Narayan Singh, learned counsel for the appellants and Ms. Usha Kumari-1, learned Spl. PP for the State.

The appellants have challenged the order dated 06.07.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act Saran at Chapra in A.B.P. No. 1300 of 2021 arising out of Saran SC/ST P.S. Case No. 47 of 2020, whereby the prayer made on behalf of the appellants for grant of pre-arrest bail for the offences under Sections 341, 323, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3(1)(r)(s), 2(v-a) of the SC/ST (Prevention of Atrocities) Act has been rejected.



The informant is said to have been assaulted by the appellants on suspicion of his being the informer of police and reporting incriminating things about the appellants.

The learned counsel for the appellants has submitted that the informant himself is a person of questionable antecedents and he was assaulted by the local villagers for teasing women at the time of their responding to the call of nature. The injuries suffered by the informant is stated to be simple in nature.

The delay in lodging the FIR also makes the accusation highly doubtful. The occurrence is said to have taken place on 20.08.2020 whereas the FIR was lodged on 24.08.2020.

The appellants do not have criminal antecedents and, therefore, they could not have suspected the informant of making any false complaint against them to the police.

Regard being had to the afore-noted arguments and taking into account the argument that the offence under Section SC/ST (Prevention of Atrocities) Act cannot be said to have been made out against the appellants, the order dated 06.07.2021 so far as the appellants are concerned, is set aside.

The appeal stands allowed.



On the appellants surrendering before the court below within a period of eight weeks, they shall be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act Saran at Chapra in A.B.P. No. 1300 of 2021 arising out of Saran SC/ST P.S. Case No. 47 of 2020.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

