

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.176 of 2021**

Arising Out of PS. Case No.-309 Year-2019 Thana- SAHPUR District- Patna

1. Jamun Rai Son of Late Ganesh Rai, aged about 62 years, Male,
2. Vinay Rai @ Binay Yadav, Son of Jamun Rai, aged about 30 years, Male
Both resident of Village Nurpur Chandmari, P.S. - Shahpur, District - Patna.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellants	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Manoranjan Kumar, Advocate
For the Respondent	:	Mrs. Usha Kumari No.1, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER**

2 22-02-2021 Heard learned counsel appearing on behalf of the appellants and learned counsel appearing on behalf of the respondent.

Appellants are aggrieved by the order dated 04.11.2020 passed by Additional District & Sessions Judge-III-cum-Special Judge, SC/ST Act, Patna in Special Case No. 371 of 2019 arising out of Shahpur P.S. Case No.309 of 2019 registered for the offence under Sections 147, 148, 149, 341, 323, 307, 504, 506, 379, 427, 436 of the Indian Penal Code and Section 3(1)(r) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act whereby the prayer of the appellants for grant of bail has been rejected.

Mr. Yogesh Chandra Verma, learned senior counsel



appearing on behalf of the appellants would submit that 13 persons including the appellants have been named in the first informant report and 100 unknown persons. Learned senior counsel highlighted that there was caste feud between the parties in which a large number of persons participated. The appellants are in custody since 20.10.2020 as mentioned in paragraph 21 of the bail application.

Considering the aforesaid, the Court is inclined to allow the criminal appeal. The order dated 04.11.2020 passed by Additional District & Sessions Judge-III-cum-Special Judge, SC/ST Act, Patna in Special Case No. 371 of 2019 arising out of Shahpur P.S. Case No.309 of 2019 is set aside. Let the appellants, named above, be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees fifty thousand) each with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge-III-cum-Special Judge, SC/ST Act, Patna in connection with Special Case No.371 of 2019 arising out of Shahpur P.S. Case No.309 of 2019.

Accordingly, the criminal appeal is allowed.

(Anil Kumar Upadhyay, J)

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