

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4095 of 2021

Arising Out of PS. Case No.-284 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Naresh Roy @ Mukhiya Roy @ Mukhi Roy @ Naresh Ray @ Mukhiya Ray @ Mukhi Ray, S/O Late Triveni Roy, Resident of Village-Pakahi, P.S.- Kuesheshwar Ashthan, District- Darbhanga.
 2. Ram Pukar Roy @ Ram Pukar Ray, Son of Dular Chandra Roy, Resident of Village- Pakahi, P.S.- Kuesheshwar Ashthan, District- Darbhanga.
 3. Sharwan Roy @ Sharwan Ray, Son of Late Bachnu Roy Resident of Village-Pakahi, P.S.- Kuesheshwar Ashthan, District- Darbhanga.
 4. Dular Chandra Roy @ Dular Chandra Ray, Son of Late Bachnu Roy Resident of Village- Pakahi, P.S.- Kuesheshwar Ashthan, District- Darbhanga.
 5. Rammani Roy @ Mani Roy @ Rammani Ray @ Mani Ray, Son of Late Pagal Roy, Resident of Village- Pakahi, P.S.- Kuesheshwar Ashthan, District- Darbhanga.
 6. Shambhu Roy @ Shambhu Ray, Son of Late Pagal Roy, Resident of Village-Pakahi, P.S.- Kuesheshwar Ashthan, District- Darbhanga.
 7. Shivji Roy @ Bauka Roy @ Shivji Ray @ Bauka Ray, Son of Late Triveni Roy, Resident of Village- Pakahi, P.S.- Kuesheshwar Ashthan, District- Darbhanga.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Kaushal Kumar Jha, Sr. Advocate Mr.Shankar Kumar Choudhary, Advocate
For the Respondent/s	:	Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-10-2021 Heard Mr. Kaushal Kumar Jha, learned Senior

Counsel appearing for the appellants and the learned Special P.P.

for the State.

The appellants have preferred the present appeal

under Section 14A(2) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act, 1989 against the refusal of their prayer for regular bail, vide order dated 03.09.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Darbhanga, in connection with Kuesheshwar Asthan P.S. Case No.284 of 2020 (SC ST G.R. No.209 of 2020) instituted for the offence under Sections 147, 148, 149, 341, 323, 436, 427, 504, 506 of the I.P.C. and Sections 3(1)(r)(s), 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989 and also for setting aside the aforesaid order dated 03.09.2021.

There is an allegation that over a trivial dispute regarding grazing of field by the she-goat, the accused side has come variously armed and assaulted the prosecution party. There is also allegation of setting ablaze the informant's house.

Learned Senior Counsel submits that allegation regarding setting ablaze of the informant's house is specifically against co-accused Birju Ray and Dilip Ray. Due to trivial dispute, all the family members, 14 in number, have been roped in. The appellants have no criminal antecedents. Appellant Nos.1 to 4 are in custody since 02.08.202 and Appellant Nos.5 to 7 are in custody since 04.08.2021. There is also no injury report to support the allegation.

Learned Special P.P. has opposed the prayer for bail. It



is submitted that the appellants are named accused persons.

Considering the rival submissions, this Court is inclined to allow appellant's prayer for bail.

Accordingly, let the appellants, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned court of 1st Additional Sessions Judge-cum-Special Judge, Darbhanga, in connection with Kuesheshwar Asthan P.S. Case No.284 of 2020 (SC ST G.R. No.209 of 2020), subject to the following conditions:

(i) That one of the bailors of each of the appellants will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellants concerned. The bailors will also undertake to inform the court if there is any change in the address of the appellants.

(ii) That the appellants will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

In the result, the appeal is allowed and the order dated 03.09.2021 is set aside.

This Court would expect that the appellants' counsel would honour his undertaking in the instant proceedings



regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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