

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.833 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

1. Nawal Kishore Rai, (M), aged about 51 years, Son Of Jagdeo Rai, R/O Village- Halimpur, P.S.- Sahebganj, District- Muzaffarpur.
2. Hari Kishore Rai(M), aged about 44 years, S/O Jagdeo Rai, R/O Village- Halimpur, P.S.- Sahebganj, District- Muzaffarpur.
3. Shashi Ranjan Rai (M), aged about 20 years, S/O Nawal Kishore Rai, R/O Village- Halimpur, P.S.- Sahebganj, District- Muzaffarpur.
4. Priya Ranjan Rai @ Priya Ranjan Sah(M), aged about 19 years, S/O Yugal Kishore Rai, R/O Village- Halimpur, P.S.- Sahebganj, District- Muzaffarpur.

... .. Appellants

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellants : Mr. Rajiv Kumar, Advocate.
For the Respondent : Mr. Spl. P.P.

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 defects, 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 Sahebganj P.S. Case No. 212 of 2020, registered for the offences under Sections 341, 342, 447, 323, 324, 504/34 of the I.P.C. and 3(i)(r)(s) of the SC/ST Act.

The prosecution case, in short, is that on 04.04.2020,



the informant was at his house, in the meantime, F.I.R. named accused persons including 6-7 unknown persons variously armed came there and abused his father and mother by taking his caste name. On protest, Buturu Rai having gun and rod assaulted with rod on his chest. All accused persons attacked him. He fell down on the ground. The informant was admitted in Sahebganj Hospital and from there he was referred to S.K.M.C.H. for better treatment. His mother, brother and uncle also sustained injuries and admitted in hospital.

It has been submitted on behalf of the appellants that the appellants have got no criminal antecedent. The appellants have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands. The alleged occurrence has not taken place in public view. Hence, no offence under SC/ST Act is attracted in the present case.

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



In view of the aforesaid facts and circumstances, the order dated 21.10.2020, passed in A.B.P. No. 1750 of 2020 in connection with Sahebganj P.S. Case No. 212 of 2020 by learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Muzaffarpur, is set aside. The criminal appeal is allowed.

Accordingly, the appellants above named, in the event of arrest or 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/- (Rupees Ten Thousand) Only each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge, SC/ST Act, Muzaffarpur, in connection with Sahebganj P.S. Case No. 212 of 2020.

(Sudhir Singh, J)

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