

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.450 of 2022

Arising Out of PS. Case No.-1072 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

1. Jyoti Chandra Rai @ Jyoti Chandra, S/O - Shyam Nandan Rai Resident Of Village - Esmailpur, P.S. - Sadar Hajipur, District - Vaishali.
2. Sarbvin Chandra Rai @ Prakash Chandra, S/O- Shyam Nandan Rai Resident Of Village - Esmailpur, P.S. - Sadar Hajipur, District - Vaishali.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Manish Kumar S/o- Sanjay Paswan Resident of Village - Esmailpur, P.S. - Sadar Hajipur, District - Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nawnit Kumar Tiwary- Advocate
For the Respondent/s : Ms. Usha Kumari 1- S.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-09-2022 Heard learned counsel for the appellants and the learned Special Public Prosecutor for the State.

The appellants have challenged the order dated 21.01.2022 passed by the learned Special Judge SC/ST, Vaishali at Hajipur in connection with Hajipur Sadar P. S. Case No.1072 of 2021, instituted for the offences under Sections 341, 323, 354, 379, 34 of the Indian Penal Code and Section 3(2)(r)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, whereby their prayer for grant of anticipatory bail has been rejected.

The learned counsel for the appellants submits



that appellants are persons with clean antecedents and the informant alleges that on 05.12.2021, the accused persons including the appellants came to his house along with four unknown accused and tried to strangle him by putting noose of towel around his neck and thereafter dragged him outside the house and assaulted, when his mother and aunt came to save him, they were also assaulted and Vidhan Chandra Rai snatched a golden chain from the neck of the informant.

The learned counsel for the appellants submits that from bare perusal as alleged in the F.I.R., it would manifest that prima facie no offence under the SC/ST (P.O.A.) Act is made out. It is next submitted that the occurrence did not take place in public view nor any reason for the occurrence is assigned. It is also submitted that no independent eye witness has witnessed the occurrence when admittedly, it is alleged that the occurrence took place outside the house as no name of any witness is there in the F.I.R. The learned counsel next submits that no occurrence takes place without any motive or reason. Since no motive and reason has been assigned in the F.I.R. that amply demonstrates that only to make out a case and to falsely



implicate the appellants, the present false allegations were alleged.

Regard being had to the aforesaid submissions, the order dated 21.01.2022 is set-aside.

The appeal stands allowed.

The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge SC/ST, Vaishali at Hajipur in connection with Hajipur Sadar P. S. Case No.1072 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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