

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1644 of 2022

Arising Out of PS. Case No.-368 Year-2020 Thana- BIRAUL District- Darbhanga

1. Rajiv Acharya Son Of Late Satyendra Acharya Permanent R/O Village And P.O.- Akbarpur Baik, P.S.- Biraul, District- Darbhanga
2. Shambhu Jha Son Of Late Indra Mohan Jha Permanent R/O Village And P.O.- Akbarpur Baik, P.S.- Biraul, District- Darbhanga
3. Shivam Acharya @ Shivam Kumar Jha Son Of Rajesh Acharya @ Rajesh Kumar Jha Permanent R/O Village And P.O.- Akbarpur Baik, P.S.- Biraul, District- Darbhanga
4. Prashant Acharya Son Of Ajit Kumar Acharya Permanent R/O Village And P.O.- Akbarpur Baik, P.S.- Biraul, District- Darbhanga
5. Rupesh Jha Son Of Ram Prakash Jha Permanent R/O Village And P.O.- Akbarpur Baik, P.S.- Biraul, District- Darbhanga

... .. Appellants

Versus

1. The State Of Bihar
2. Sharvan Ram son of Baleshwar Ram resident of village- Akbarpur Baik, P.S.- Biraul, District- Darbhanga

... .. Respondents

Appearance :

For the Appellant/s : Mr.Jitendra Acharya, Advocate
For the Respondent/s : Mrs.Usha Kumari 1, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-11-2022 Heard learned counsel for the appellants, the State and respondent no.2.

The present appeal has been filed for setting aside order dated 13.1.2022, passed by Additional Sessions Judge III cum Special Judge, SC/ST Act, Darbhanga in a case registered for the offence punishable under Sections 379/34 and other allied sections of the Indian Penal Code and Sections 3(1)(r)(s) of the SC/ST Act, whereby prayer for pre-arrest bail of appellants has been rejected.

As per the prosecution case, appellants along with 10



other accused persons abused by caste name and tried to outrage modesty of female members of the family. They assaulted him by means of bamboo, khanti causing head injury to respondent no.2. Accused persons snatched golden chain worth Rs.25,000/- from him.

It is submitted on behalf of appellants that the appellants are innocent and have falsely been implicated in this case. As a matter of fact, on the alleged date and time of occurrence informant of the present case was illegally constructing boundary wall on the land of the trust behind temple which was objected by the appellants which was followed by simple scuffle in which some persons of both sides sustained injuries.

However, learned counsel for the State as well as learned counsel for the respondent no.2 oppose the prayer for pre-arrest bail.

Considering the aforesaid facts and circumstances, I do not find any ground to interfere with the order of the learned court below and as such, the appeal, seeking pre-arrest bail to the appellants, is hereby dismissed.

(Prabhat Kumar Singh, J)

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