

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1807 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- BHAGWANPUR District- Vaishali

1. RAM SIHASAN RAI Son of Late Roop Chand Rai Resident of Village - Khirkhaua, Police Station - Bhagwanpur, District - Vaishali.
2. Raghuvansh Rai Son of Ram Sihasan Rai Resident of Village - Khirkhaua, Police Station - Bhagwanpur, District - Vaishali.
3. Harvansh Rai @ Harivansh Rai Son of Ram Sihasan Rai Resident of Village - Khirkhaua, Police Station - Bhagwanpur, District - Vaishali.
4. Umesh Rai Son of Dhurandhar Rai Resident of Village - Khirkhaua, Police Station - Bhagwanpur, District - Vaishali.
5. Jai Prakash Kumar Son of Ram Pravesh Rai Resident of Village - Khirkhaua, Police Station - Bhagwanpur, District - Vaishali.
6. Phool Kumari Devi Wife of Harivansh Rai Resident of Village - Khirkhaua, Police Station - Bhagwanpur, District - Vaishali.

... .. Appellants.

Versus

The State of Bihar

... .. Respondent.

Appearance :

For the Appellant/s : Mr. Ranjit Kumar Thakur
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2022 Heard learned counsel for the appellants and
learned Special Public Prosecutor for the State.

The present F.I.R. has been lodged by the police
personnel, who is represented by Special P.P. for the State,
hence no notice is required to be issued.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the



'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 19.04.2022 passed by learned Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 39/2022 registered under Sections 341. 342. 323. 353 & 332 of the Indian Penal Code and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The allegations against these appellants is that they abused and assaulted the police party and created obstruction in discharging their official duty.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to dirty village politics. As a matter of fact, the occurrence as alleged did never take place and the prosecution case is the set of imaginary story. The allegation of assaulting the police party and obstruction in performing official duty is false and frivolous story. The allegation of assault levelled against the appellants is not specific rather general and omnibus in nature. The allegation of assaulting the informant is not specific rather general and omnibus in nature. Appellant nos.1, 3, 4, 5 and 6 have no criminal antecedent as mentioned in para-3 of memo of appeal



while appellant no.2 has one criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (SC/ST Act), Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No.39/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and this appeal is allowed.

(Anjani Kumar Sharan, J)

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