

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2940 of 2021

Arising Out of PS. Case No.-50 Year-2020 Thana- SC/ST District- Sitamarhi

1. Chandrika Rai Son of Shiv Shankar Rai Resident of Village- Gaura, P.S.- Nanpur, District- Sitamarhi.
2. Rohit Kumar Son of Late Kailash Rai Resident of Village- Bahurar, P.S.- Nanpur, District- Sitamarhi.
3. Kshav Rai Son of Late Kailash Rai Resident of Village- Bahurar, P.S.- Nanpur, District- Sitamarhi.
4. Randhir Kumar @ Randhir Rai Son of Late Kailash Rai Resident of Village- Bahurar, P.S.- Nanpur, District- Sitamarhi.
5. Mohan Kumar @ Mohan Rai Son of Sri Keshav Rai Resident of Village- Bahurar, P.S.- Nanpur, District- Sitamarhi.
6. Guddu Kumar @ Guddu Rai Son of Sri Arun Rai Resident of Village- Bahurar, P.S.- Nanpur, District- Sitamarhi.
7. Murari Kumar @ Murari Rai Son of Sri Arun Rai Resident of Village- Bahurar, P.S.- Nanpur, District- Sitamarhi.
8. Rakesh Kumar @ Ritesh Rai @ Rakesh Son of Sri Arun Rai Resident of Village- Bahurar, P.S.- Nanpur, District- Sitamarhi.
9. Dileep Kumar @ Dilip Rai Son of Sri Keshav Rai Resident of Village- Bahurar, P.S.- Nanpur, District- Sitamarhi.
10. Kishore Rai Son of Late Kailash Rai Resident of Village- Bahurar, P.S.- Nanpur, District- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amrit Abhijat
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-05-2022 At the outset, learned counsel for the appellants seeks permission to withdraw this appeal in respect of appellants no.1, 2, 3 and 10, namely, Chandrika Rai, Rohit Kumar, Kshav Rai and Kishore Rai as they have already been arrested by the



police.

Permission is granted.

Accordingly, this appeal is dismissed as withdrawn so far as appellants no.1, 2, 3 and 10 are concerned.

Now, the appeal survives only against appellants no.4 to 9.

Heard learned counsel for the appellants, learned Special P.P. for the State as well as learned counsel for the informant.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 07.04.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA), Sitamarhi in connection with Sitamarhi S.C./S.T. P.S. Case No.50 of 2020, registered under Sections 341, 323, 325, 427, 354, 379, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(i)/3(2)(va) of the SC/ST Act.

The prosecution case, in brief, is that on 01.12.2020, at 09.00 A.M., when the informant was at her home, suddenly the appellants arrived there armed with lathi, danda and iron rod



and abused the informant by naming her caste. It is further alleged that the appellants tried to outrage the modesty of the informant. When sister-in-law, mother-in-law, father-in-law and brother-in-law came in her rescue, the appellants also assaulted them. It is also alleged that the accused persons snatched ornaments from the informant and her mother-in-law. Chandrika Rai pushed Usha Devi on the floor and tried to outrage her modesty and when Usha Devi resisted, Chandrika Rai assaulted her by means of iron rod on her head.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is further submitted that there is land dispute between the parties. There is general and omnibus allegation against all the appellants.

Learned Special P.P. for the State opposed the prayer for anticipatory bail of the appellants.

Learned counsel for the informant also opposes the prayer for anticipatory bail of the appellants but fairly submits that there is land dispute between the parties.

Having considered the fact that there is admitted land dispute between the parties, let appellants no.4 to 9, above named, in the event of their arrest or surrender before the



learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, S.C./S.T. (POA), Sitamarhi in connection with Sitamarhi S.C./S.T. P.S. Case No.50 of 2020, subject to the conditions 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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