

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3171 of 2021

Arising Out of PS. Case No.-294 Year-2020 Thana- BAJPATTI District- Sitamarhi

1. Dinesh Rai @ Dinesh Kumar Son Of Pradeep Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
2. Ram Daresh Rai Son Of Late Shivsharan Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
3. Kaushal Kumar Rai @ Kaushal Rai Son Of Raja Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
4. Tejnarayan Rai @ Tejan Rai Son Of Chandeshwar Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
5. Indal Rai Son Of Late Sitaram Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
6. Vipin Rai Son Of Ujagar Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
7. Amarkant Prasad @ Ugan Son Of Late Raghubar Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
8. Ramchhabila Rai @ Ram Chhabela Kumar Son Of Naresh Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
9. Naresh Rai Son Of Late Shivsharan Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
10. Bhutta Rai Son Of Late Shivsharan Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
11. Mahendra Rai Son Of Satyanarayan Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
12. Raja Rai Son Of Late Julum Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
13. Indrajeet Rai Son Of Rupan Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
14. Madan Kumar @ Madan Rai Son Of Indal Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
15. Jaykishore Rai Son Of Late Shivsharan Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
16. Jagarnath Rai Son Of Late Rajanu Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
17. Jayanarayan Rai Son Of Late Shivsharan Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.
18. Indradeo Rai Son Of Late Bharat Rai Resident Of Village - Narha Kala, P.S. - Bajpatti, District - Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s



Appearance :

For the Appellant/s : Mr.Virendra Kumar
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-05-2022 Learned counsel for the appellants does not want to press the anticipatory bail application with regard to appellant no. 3 namely Kaushal Kumar Rai.

Accordingly, this appeal as against appellant no. 3 is dismissed as not pressed.

Heard learned counsel for the parties for consideration of bail regarding rest of the appellants.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 22.02.2021, passed by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Sitamarhi in connection with Bajpatti P.S. Case No. 294 of 2020, registered under Sections 147, 148, 149, 323, 324, 307, 333, 353, 504, 506 of the IPC and Sections 3 (i) (r) (s), 2 (va) of the SC/ST Act.

With respect to a gair-majarua land, the parties indulged in a fight in which many persons are said to have been injured. The members of the warring parties also abused the police who



has lodged this case. An attempt, it has been alleged in the FIR, was made by the accused persons to bring disgrace to the members of the SC/ST community.

It is submitted by learned counsel for the appellants that the appellants are innocent and have been falsely implicated in this case due to land dispute. He submits that there is general and omnibus allegation levelled against the appellants. He submits that there is case and counter case between the parties. He submits that similarly situated co-accused have already been granted anticipatory bail by a Bench of this Court vide order dated 09.07.2021 in Cr. APP No. 1326 of 2021. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

However, the informant is a police official who is represented by the learned Special PP for the State, therefore, notice is not required to the informant/respondent no. 2.

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

Considering 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
1st Additional Sessions Judge-cum-Special Judge SC/ST Act,
Sitamarhi in connection with Bajpatti P.S. Case No. 294 of
2020, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

devendra/-

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