

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2381 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- SC/ST District- Patna

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1. Upendra Rai Son of Kameshwar Rai Resident of village - Bakarchak, Post - Alalpur, P.S.- Gourichak and District - Patna.
 2. Satendra Rai Son of Kameshwar Rai Resident of village - Bakarchak, Post - Alalpur, P.S.- Gourichak and District - Patna.
 3. Dhanish Kumar @ Dhanish Rai Son of Upendra Rai Resident of village - Bakarchak, Post - Alalpur, P.S.- Gourichak and District - Patna.
 4. Rudal Rai Son of Late Krishna Murari Rai @ Krishna Murari Ray Resident of village - Bakarchak, Post - Alalpur, P.S.- Gourichak and District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vikash Kumar Son of Late Akhilesh Ravidas Resident of village - Mai, Post - Sonmai, P.S.- Dhanaura, District - Patna. At present resident of village - Bakarchak, Post - Alalpur, P.S.- Gourichak and District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-11-2022 At the outset, learned counsel for the appellants seeks permission to withdraw anticipatory bail petition with respect to appellant Nos. 3 and 4.

Permission is granted.

The anticipatory bail petition for appellant Nos. 3, Dhanish Kumar and appellant No. 4, Rudal Rai, is dismissed as withdrawn.

Heard learned counsel appearing on behalf of appellant Nos. 1 and 2 and Spl. Public Prosecutor .



This appeal has been filed against the order dated 31.05.2022 passed by learned Exclusive Special Judge SC/ST (POA) Act, Patna in connection with SC/ST P.S. Case No. 04 of 2022, registered under Sections 505/34 and other allied sections of the Indian Penal Code and Sections 3(i)(r)(s) and other allied sections of the SC/ST Act, whereby the prayer for anticipatory bail of appellants has been rejected.

As per prosecution case, these appellants along with other accused persons abused the informant, on his way to home, by calling his caste name and assaulted him with fists and slaps.

Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in this case due to land dispute. There is admitted enmity between the parties as in 1994 one Gaurichak P. S. Case No. 202 of 1994 has been instituted in which father of the appellant No. 4 has been murdered. In the said FIR two persons namely Ram Ekbal Das and Kauleshwar Chaudhary have been convicted. Trial with respect to remaining other co-accused persons is going on and informant is one of the co-accused in this case. It is further submitted that the present case is counter blast of Gaurichak P. S. Case No. 64 of 2022 instituted on the basis of Complaint



Case No. 28 of 2022 filed by the appellant No.3.

However, learned Spl. Public Prosecutor appearing for the State vehemently opposed the bail application and submitted that these appellants assaulted and abused the informant by his caste name and have got more than half a dozen criminal antecedents.

Considering the facts and circumstances of the case, instant appeal filed for pre-arrest bail to the appellants, is dismissed.

(Prabhat Kumar Singh, J)

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