

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3759 of 2021

Arising Out of PS. Case No.-309 Year-2019 Thana- SAHPUR District- Patna

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1. TINKU RAI Son of Saheb Rai @ Saheblal Ray @ Saheb Lal Resident of Village- Kharahi Tola Raghurampur, P.S.- Sahpur, District- Patna.
 2. Piku Rai @ Chiku Rai Son of Saheb Rai @ Saheblal Ray @ Saheb Lal Resident of Village- Kharahi Tola Raghurampur, P.S.- Sahpur, District- Patna.
 3. Pintu Rai @ Ram Pravesh Rai Son of Baleshwar Rai Resident of Village- Kharahi Tola Raghurampur, P.S.- Sahpur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Bajrangi Manjhi Rega Manjhi R/O Village-Sikandarpur Mushari, P.S.- Sahpur, District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Usha Kumari Singh
For the Respondent/s	:	Mr.Sadanand Paswan Mr.Dhirendra Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-02-2022 Heard the parties through virtual Court proceedings.

This is an appeal under section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 17.08.2021 passed by learned Additional District and Sessions Judge-III- cum-Special Judge, SC/ST, Patna in connection with Shahpur P.S. Case No.309 of 2019, registered under sections 147, 148, 149, 341, 323, 307, 504, 379, 427, 436



of the IPC and sections 3(i)(r) of the SC/ST Act.

The crux of the prosecution case is that about 100 accused persons including the petitioners armed with weapons entered the house of the informant and started to loot domestic goods and set the houses on fire.

It is submitted by learned counsel for the appellants that no such occurrence in the manner as alleged has ever taken place. Appellants are quite innocent and have been falsely implicated in the case due to village rivalry. There is no specific allegation levelled against the appellants of abusing the informant rather there is a common allegation against 100 people to have entered into the informant's house and of assaulting the family members. The appellants have been languishing in custody since 23.06.2021 and have no criminal antecedent, as also mentioned in para-3 of the memo of appeal.

Learned Spl. PP for the State as well as learned counsel for the informant/respondent no.2 opposed the prayer for bail.

In the facts and circumstances of the case and considering the custody of the appellants, the above named appellants are directed to be released on bail, on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned



Additional District and Sessions Judge-III- cum-Special Judge,
SC/ST, Patna in connection with Shahpur P.S. Case No.309 of
2019.

The impugned order is accordingly set aside and the
appeal is allowed.

(Anjani Kumar Sharan, J)

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