

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.4124 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- BAJPATI District- Sitamarhi

1. ARVIND KUMAR Son of Naresh Rai @ Ram Naresh Rai R/o village - Basaha, Ward No.- 10, P.S.- Bajpatti, District - Sitamarhi
2. Ful Kumari Devi @ Ful Kumari Wife of Ajay Kumar @ Ajay Rai R/o village - Basaha, Ward No.- 10, P.S.- Bajpatti, District - Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

2 30-06-2022 Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The present appeal is directed against the order dated 10.08.2021 passed by learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST, Sitamarhi in a case registered for the offence punishable under Sections 341, 323, 324, 307, 325, 504 and 506/34 of the Indian Penal Code and Sections 3(1)(r)(s)(2) (va) of the SC/ST (Prevention of Atrocities) Act, whereby anticipatory bail of the appellants have been rejected.

It is a case of assaulting the informant Akshay Lal Manjhi and co-accused Surendra Rai assaulted the informant's uncle Dukha Manjhi by means of farsa and co-accused Rakesh Rai assaulted to Rajan Manjhi by means of iron rod and they were also abused by the accused persons.

It is submitted by learned counsel for the appellants that there are case and counter case between the parties and the name of the appellants are not mentioned in the FIR but during



course of investigation, the name of the appellants came into light. There is no specific allegation of assault to the appellants and the FIR named co-accused has been granted anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Appeal (SJ) No.1475 of 2021.

Learned Special Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the appellants.

Having heard learned counsel for the parties and there is case and counter case between the parties, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 10.08.2021 passed in A.B.P. No.1589 is hereby set aside.

The appellants are directed to be enlarged on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge, SC/ST, Sitamarhi in connection with Bajpatti P.S. Case No. 146 of 2020.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

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