

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4168 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- DALSINGHSARAI District- Samastipur

1. MANTUN RAI Son of Ram Swarup Rai Resident of Village - Keota, P.S.- Dalsinghsarai, District - Samastipur.
2. Subodh Rai Son of Mantun Rai Resident of Village - Keota, P.S.- Dalsinghsarai, District - Samastipur.
3. Jankal Devi Wife of Mantun Rai Resident of Village - Keota, P.S.- Dalsinghsarai, District - Samastipur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

The instant appeal has been filed by the appellant against the order dated 27.01.2021 passed by learned 1st Additional Sessions Judge, Samastipur in ABP No. 257 of 2021 whereby the prayer for bail of the appellant in connection with Dalsinghsarai P.S. Case no. 282 of 2020 under Sections 341, 379, 504/34 of the Indian Penal Code and sections 3(i)(r)(s)/(s)/3(2)(va) of SC/ST (POA) Act was rejected.

As per allegation in the FIR, a scuffle took place over a minor dispute when the son of appellant no. 1 and son



informant were playing. Son of appellant no 1 had thrown to son of the informant. On raising alarm by the informant, appellant no. 1 started to beat her and when her husband came there to rescue her, he was also beaten up by them and abused them by taking their caste name.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case over a trivial dispute. At the spur of moment, the alleged occurrence took place. They have not taken the caste name of the informant in public view. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellants have no intention to disgrace the image of the informant in public view.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 27.01.2021 passed in A.B.P. No. 257 of 2021 is hereby set aside.

The appellant is directed to be enlarged on bail in



connection with Dalsinghsarai P.S. Case No. 282 of 2020 in the event of arrest or surrender before the court below within a period of four weeks on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Samastipur.

(Sunil Kumar Panwar, J)

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