

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4167 of 2021

Arising Out of PS. Case No.-72 Year-2019 Thana- VIDYAPATINAGAR District- Samastipur

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ROBIN RAI @ ROBIN KUMAR @ RAVIN RAY @ NAVEEN KUMAR @
NAVEEN RAI Son of Jhari Rai @ Dhari Rai @ Gangadhar Rai @ Ganga
Prasad Yadav @ Dhari Ray Resident of Village - Sherpur Diyara, P.S.-
Vidyapati Nagar, District - Samastipur.

... .. Appellant.

Versus

1. The State of Bihar.
2. Ranjita Devi, Wife of Late Ramraji Paswan R/o Village - Sherpur Diyara,
P.S.- Vidyapati Nagar, District - Samastipur

... .. Respondents.

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Appearance :

For the Appellant/s	:	Mr. Lakshmindra Kumar Yadav
For the Respondent/s	:	Mrs. Usha Kumari-1
For the Informant	:	Mr. Suneil Kumar Thakur

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 28-01-2022 Heard learned counsel for the appellant, learned
counsel for the informant and learned Special Public Prosecutor
for the State through virtual Court proceedings.

Learned counsel for the appellant undertakes to
remove the defects within four weeks of resumption of normal
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the Bench.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the



'SC/ST Act') against the refusal of prayer for bail vide order dated 03.10.2020 passed by learned 1st Additional Sessions Judge cum Special Judge (SC/ST Act), Samastipur in connection with Vidyapati Nagar P.S. Case No. 72/19 registered under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The prosecution case, in brief, is that the appellant in association of other co-accused are said to have assaulted and killed the husband of the informant.

It is submitted by learned counsel for the appellant that no such occurrence as alleged ever took place. Appellant has been falsely implicated in the case due to dirty village politics, enmity and land dispute. Appellant has been falsely implicated in the case due to land dispute as the land dispute is pending between them. The allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has been languishing in custody since 01.10.2020.

Learned counsel for the informant and learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on



furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge (SC/ST Act), Samastipur in connection with Vidyapati Nagar P.S. case No.72 of 2019, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The appellant shall not indulge himself in any similar offence till conclusion of the trial.

(3) The appellant shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The appellant shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The appellant will mark his attendance in the local police station in first week of every month till conclusion



of trial, failing which the prosecution will be at liberty to move
cancellation of his bail bond.

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

(Anjani Kumar Sharan, J)

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