

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4757 of 2021

Arising Out of PS. Case No.-550 Year-2020 Thana- GARKHA District- Saran

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1. Sunil Kumar @ Sunil Rai @ Sunil Kumar Rai Son of Krishna Rai Resident of Village- Jharutola, P.S.- Garkha, District- Saran at Chapra.
 2. Laloo Kumar Son of Ramesh Rai Resident of Village- Jharutola, P.S.- Garkha, District- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar
2. Suresh Ram Kailash Ram Resident of Village-Pithaghat, Police Station- Garkha, District-Saran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Narendra Kumar
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-11-2022 Despite valid service of notice nobody appears on behalf of respondent No. 2.

Heard learned counsel appearing on behalf of appellants and Spl.P.P.

This appeal has been against the order dated 03.03.2021 passed by learned Additional Sessions Judge 1st-cum-Special Judge SC/ST (POA) Act, Saran at Chapra in connection with Garkha P.S. Case No. 550 of 2020, registered under Sections 341, 323, 354(B), 379, 504/34 of the Indian Penal Code and Sections 3(i)(r)(s)(w) of the SC/ST Act, whereby the prayer for anticipatory bail of appellants has been rejected.

As per FIR, all the accused persons including these appellants entered the house of the informant and caught hold of the hand of the informant and started pulling her and on



protest of informant they took away Rs. 10,000/- and ornaments.

It is submitted on behalf of appellants that, as a matter of fact, there was some dues of money against the informant and when the appellants put pressure to return the money he lodged this false and concocted case to avoid the repayment. Further, in FIR there is no allegation of abuse by the appellants and as such no offence under Section 3(1)(r)(s) of SC/ST Act is made out against these appellants. Appellants have got clean antecedent.

Considering the facts and circumstances of the case, let the appellants, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chapra in connection with Garkha P.S. Case No. 550 of 2020.

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

(Prabhat Kumar Singh, J)

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