

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.112 of 2022**

Arising Out of PS. Case No.-302 Year-2020 Thana- SURSAND District- Sitamarhi

Ravi Shankar Thakur Son of Prem Shankar Thakur Resident of Village Radhaur, P.S. Sursand, District Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Ajay Kumar Thakur, Advocate Mr. Pravin Kumar, Advocate
For the State	:	Mr. Binay Krishna, Special P.P.
For the Informant	:	Mr. D.K. Sinha, Senior Advocate Mr. Abhinay Raj, Advocate

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 19-05-2022 Heard learned counsel for the appellant, learned Special Public Prosecutor for the State as well as learned Senior Counsel appearing on behalf of the informant.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC/ST Act') against the refusal of prayer of bail vide order dated 15.12.2021, passed by learned 1st Additional Sessions Judge/Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Sursand P.S. Case No.302 of 2020, registered under Sections 341, 323, 504, 506, 427, 379, 307/34 of the Indian Penal Code and Section 3(1) (r)(s) of the SC/ST (POA) Act.



On 29.09.2020, at about 3-4 P.M., the appellant along with other co-accused persons variously armed with different weapons are said to have snatched Rs.20,000/- from the son of the informant. Again on the same day, at about 7-7.30 P.M., the appellant along with 16 other co-accused persons and 50-60 unknown persons surrounded the house of the informant and started abusing the informant by naming his caste. When the family members of the informant objected, Prem Shankar Thakur instigated the co-accused persons to enter into the house of the informant. It is further alleged that Ravi Shankar Thakur and Ramjatan Kushwaha tried to rape with the *bhabhi* of the informant. When the brother of the informant tried to save his wife, Ravishankar Thakur assaulted him by means of a sharp edged weapon on his head causing injury on his head. Ramjatan Kushwaha assaulted the brother of the informant on his head by means of iron rod and Atul Kumar also assaulted him by knife. The accused persons also looted the ornaments made of gold and silver from the house of the informant and damaged motorcycles, tractor, generator set and other household articles. It is further alleged that thereafter the accused persons went towards the shop of the informant and they also looted away various articles from the shop of the informant.



Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in the present case. It is further submitted that there is general and omnibus allegation against the appellant and other co-accused persons. It is submitted that there is case and counter case between the parties and both sides sustained injuries. The injuries are simple in nature. It is stated that the appellant is in custody since 01.12.2021.

Learned Special P.P. for the State as well as learned Senior Counsel for the informant opposed the prayer for bail of the appellant and submitted that the appellant is involved in the present case and he has got criminal antecedents. It is further submitted that there is allegation of rape in the FIR, but the police has not added the section of rape due to influence of the appellant.

Taking into consideration the facts that there is case and counter case between the parties and both sides sustained injuries, let appellant, above named, 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 learned 1st Additional Sessions Judge/Special Judge, SC/ST (POA) Act, Sitamarhi in connection with Sursand



P.S. Case No.302 of 2020.

(Anjani Kumar Sharan, J.)

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