

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4229 of 2019

Arising Out of PS. Case No.-30 Year-2016 Thana- SIKTI District- Araria

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1. Anil Kumar Roy Son of Bodh Narayan Roy
 2. Sunil Kumar Roy Son of Bodh Narayan Roy
 3. Pitambernath Roy @ Pitambar Roy Son of Sudhir Roy
 4. Chhabinath Roy Son of Late Chupai Roy
 5. Gurwa Roy Son of Bhagwan Roy
 6. Diwakar Roy Son of Indra Kumar Roy
 7. Jyotish Kumar Roy @ Jhotish Kumar Roy Son of Chhabinath Roy
 8. Bodh Narayan Roy Son of Late Chupai Roy
 9. Chandan Roy Son of Sudhir Roy all Resident of Village - Ufrail, Aamgachhi, P.S.- Sikty, Dist.- Araria.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rambha Devi wife of Uttam Chand Paswan Resident of-Aamgachi (Ufrail), P.S.- Sikti, District- Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Sudhanshu Shekhar, Adv.
For the State	:	Mrs.Usha Kumari 1, Spl. PP
For the Respondent no. 2	:	Mr. Rakesh Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 01-02-2022 Heard learned counsel for the appellants, respondent no. 2 and learned Special Public Prosecutor for the State through virtual court proceeding.

This is an appeal under section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for anticipatory bail vide order dated



27.07.2019, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Sikty P.S. Case No. 30 of 2016, registered under Sections 147, 149, 341, 323, 504, 354, 435, 436 of the Indian Penal Code and Sections 3(i)(x) of SC/ST Act.

As per FIR, all accused armed with lathi and bamboo stick came at the house of the informant and set the house on fire. The accused persons abused the informant and other female members of the family with caste name and tore their sari due to that they became naked.

It is submitted by learned counsel for the appellants that the appellants are innocent and have not committed any offence. He submits that there is general and omnibus allegation against the appellants. He submits that police has submitted charge-sheet against the appellants after giving them benefit of Section 41 (1) Cr.P.C. He submits that there is land dispute between the parties. He submits that the proceeding under Section 144 of the Cr.P.C. has also been initiated by the court of the SDM, Araria bearing Case No. 346 of 2016 against both the parties. He further submits that appellants have no criminal antecedent as stated in para-3 of this appeal.

Learned Spl. PP for the State and informant oppose the



prayer for bail and submit that appellants are also involved in the present case.

Considering the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Araria in connection with Sikty P.S. Case No. 30 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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