

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.476 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- PANAPUR District- Saran

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1. Raju Rai @ Raju Kumar Son of Gorakh Rai Resident of Village - Jipura, Police Station - Panapur, District - Saran (Chapra).
 3. Babban Rai Son of Police Rai @ Pulis Ray Resident of Village - Jipura, Police Station - Panapur, District - Saran (Chapra).
 4. Jitendra Rai Son of Jagarnath Rai Resident of Village - Jipura, Police Station - Panapur, District - Saran (Chapra).

... .. Appellant/s

Versus

1. The State of Bihar
2. Raj Kumat Nat @ Kumar Nat Son of Lali Nat Resident of Village - Jipura, Police Station - Panapur, District - Saran (Chapra).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Mukesh Kumar Singh
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 26-04-2023 A jointness petition has been filed on behalf of appellants wherein it is stated that respondent no. 2 and his wife are living together in the same house.

In view of the aforesaid fact, the notice be treated as validly served.

Heard learned counsel for the appellants and learned Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 17.01.2022 passed by learned 3rd Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Saran at



Chapra in connection with Panapur P.S. Case No. 177 of 2021 under Sections 147, 148, 149, 323, 324, 354, 504, 427, 436, 380, 307, 506, 120(B) of the Indian Penal Code and section 3(i) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

Prosecution case in brief is that on the alleged date and time of occurrence, all the 23 named accused persons including appellants having variously armed came at the house of informant started assaulting the informant and when Rinku Devi, Jitendra Nat, Bachacha Nat, Chanda Devi tried to save, they were also assaulted by the accused persons. Again on next day ie., 12.05.2021 at about 8.00 am all the accused persons came at the house of informant and started abusing and threatened to leave the village, dismantled roof of the house of informant, looted ornaments and clothes and set her *Palani* on fire.

It is submitted on behalf of the appellants there is general and omnibus allegation. No specific overt act has been alleged against these appellants. Moreover, FIR has been lodged after twelve days of the alleged occurrence without any plausible explanation which itself creates doubt over the veracity of the prosecution case. It is not the case of



complainant that any member of the public was present at the time of alleged occurrence and as such, no case under SC/ST Act is made out. It is next submitted that both parties are co-villagers and after intervention of the well wishers of the parties, they entered into compromise. Appellants have got clean antecedent.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 17.01.2022 passed by learned 3rd Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Saran at Chapra, is set aside.

Let the appellants above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional District & Sessions Judge-cum-Special Judge (SC/ST Act), Saran at Chapra in connection with Panapur P.S. Case No. 177 of 2021.

(Prabhat Kumar Singh, J)

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