

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1453 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- SC/ST District- Darbhanga

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1. AASH NARAYAN RAY Son of Late Sanjivan Ray @ Late Ram Sajivan Ray Resident of village - Muraitha, P.S.- Jale, District - Darbhanga
 2. Rajesh Kumar Ray @ Rajesh Ray Son of Aash Narayan Ray Resident of village - Muraitha, P.S.- Jale, District - Darbhanga

... .. Appellant/s

Versus

1. The State of Bihar
2. Maha Devi Wife of Ram Dayal Ram Resident of village - Muraitha, P.S.- Jale, District - Darbhanga

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sunil Kumar Karn
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 24-08-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellants against the order dated 21.02.2023 passed by learned 3rd Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Darbhanga whereby the prayer for bail of the appellants in connection with SC/ST P.S. Case no. 75 of 2022 under Sections 341, 342, 323, 379, 354, 436, 448, 504, 506/34 of the Indian Penal Code and sections 3(i)(r), 3(i)(s) & 3(2)(va) of SC/ST Act was rejected.

As per allegation in the FIR, on order of appellant no.



1, Rajesh Ray (appellant no. 2) sprinkled K. Oil and set the hut on fire. Local people gathered there to extinguish the fire but hut was gutted in fire and house hold articles turned into ash.

It is submitted by learned counsel for the appellants that appellants have been falsely implicated in this case due to land dispute. The occurrence took place on 1.12.2022 whereas FIR was lodged after an unexplained delay of 10 days on 10.12.2022. Appellants were not present at the place of occurrence. Only on the basis of suspicion, their names has come into light. They have got no criminal antecedent. No offence is made out under the provisions of the SC/ST Act against them. The appellants have not taken the caste name of the informant in public view and they had no intention to disgrace his image. Appellants are languishing in judicial custody since 30.01.2023.

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration that there is general and omnibus allegation against the appellants, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 21.02.2023 is hereby set aside.



The appellants are directed to be enlarged on bail in connection with SC/ST P.S. Case No. 75 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge ~~and~~ Special Judge SC/ST (POA) Act, Darbhanga.

(Sunil Kumar Panwar, J)

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