

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.914 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- MAHESI District- East Champaran

1. Upendra Kumar Son of Nusar Rai Resident of village - Bhimalpur Chake, P.S.- Mehasi, District - East Champaran, Motihari.
2. Upendra Rai Son of Chulhai Rai Resident of village - Bhimalpur Chake, P.S.- Mehasi, District - East Champaran, Motihari.
3. Jinish Rai Son of Amar Rai Resident of village - Bhimalpur Chake, P.S.- Mehasi, District - East Champaran, Motihari.
4. Indal Rai Son of Jiyalal Rai Resident of village - Bhimalpur Chake, P.S.- Mehasi, District - East Champaran, Motihari.
5. Baiju Rai Son of Amar Rai Resident of village - Bhimalpur Chake, P.S.- Mehasi, District - East Champaran, Motihari.
6. Sanjay Rai Son of Diplal Rai Resident of village - Bhimalpur Chake, P.S.- Mehasi, District - East Champaran, Motihari.
7. Hanslal Rai Son of Dukha Rai Resident of village - Bhimalpur Chake, P.S.- Mehasi, District - East Champaran, Motihari.
8. Sanjay Rai Son of Hanslal Rai Resident of village - Bhimalpur Chake, P.S.- Mehasi, District - East Champaran, Motihari.
9. Nandu Rai Son of Amar Rai Resident of village - Bhimalpur Chake, P.S.- Mehasi, District - East Champaran, Motihari.
10. Doroga Rai Son of Late Gobardhan Rai Resident of village - Bhimalpur Chake, P.S.- Mehasi, District - East Champaran, Motihari.
11. Ramesh Rai Son of Satyanarayan Rai Resident of village - Bhimalpur Chake, P.S.- Mehasi, District - East Champaran, Motihari.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajesh Kumar

For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-05-2023 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 11.01.2023 passed by learned Special Judge (SC/ST Act), East Champaran, Motihari in connection with Mehsi P.S. Case No. 157 of 2022 under Sections 307, 379, 354(B) and other allied sections of the Indian Penal Code and section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and section 30(a)/45 of the Bihar Prohibition & Excise Act, whereby the prayer for anticipatory bail of the appellants was rejected.

As per the prosecution case, all the FIR named accused persons including appellants attacked on the police party while they were conducting raid, as a result of which several police personnel become injured.

It is submitted on behalf of the appellants there is general and omnibus allegation. No specific overt act has been alleged against these appellants. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. Appellants have got clean antecedent.

Counsel for State however vehemently opposed the prayer for bail.

Considering the nature of accusation, I am not inclined to enlarge the appellants on anticipatory bail.



Accordingly, this criminal appeal stands dismissed.

(Prabhat Kumar Singh, J)

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