

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1980 of 2021**

Arising Out of PS. Case No.-180 Year-2020 Thana- RIGA District- Sitamarhi

1. BHULAVAN RAI Son of Gagan Rai Resident of Village - Posua, P.S.- Riga, Distt.- Sitamarhi.
2. Tula Rai Son of Bhavichan Rai Resident of Village - Posua, P.S.- Riga, Distt.- Sitamarhi.
3. Vikau Rai @ Bikau Yadav Son of Tula Rai Resident of Village - Posua, P.S.- Riga, Distt.- Sitamarhi.
4. Baskit Rai Son of Bamb Rai Resident of Village - Posua, P.S.- Riga, Distt.- Sitamarhi.
5. Gajendra Rai Son of Bhakti Rai Resident of Village - Posua, P.S.- Riga, Distt.- Sitamarhi.
6. Ram Bahadur Rai @ Bhakti Rai Son of Bomb Rai Resident of Village - Posua, P.S.- Riga, Distt.- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Uday Kumar  
For the Respondent/s : Ms. Usha Kumari, Spl. PP

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**  
**ORAL ORDER**

4      27-03-2023                      Heard learned counsel for the appellants and learned  
Special Public Prosecutor for the State.

This appeal has been preferred against the order dated 18.12.2020 passed by learned 1<sup>st</sup> Additional District & Sessions Judge-cum-Special Judge (SC/ST), Sitamarhi in connection with Riga P.S. Case No.180 2020 registered under Sections 147, 148, 149, 307, 504, 34 of the Indian Penal Code and Sections 3(i)(s)(r) of the Scheduled Castes and Scheduled



Tribes (Prevention of Atrocities) Act by which the prayer for anticipatory bail of the appellants has been rejected.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case due to previous enmity and dirty village politics. Further he submits that there is no specific allegation of assault against the appellants, except appellant no.1. It is also submitted that appellants have no criminal antecedent.

Learned Spl.P.P. for the State vehemently opposed the prayer for bail of the appellant no. 1 Bhulavan Rai by contending that from perusal of the first information report itself, it is apparent that the appellant Bhulavan Rai assaulted on the head of the informant by means of *Tengari* with intention to kill him. Hence, he does not deserve to be enlarged on anticipatory bail.

Considering the aforesaid facts and circumstance of the case, the prayer of the appellant no. 1 Bhulavan Rai for grant of anticipatory bail is rejected.

So far as appellant nos. 2 to 6 is concerned, their prayer for grant of anticipatory bail is allowed. Let the above named appellant nos. 2 to 6 be released on bail, in the event of their arrest or surrender before the court below within a period



of four weeks from the date of receipt of this order, be released on bail on furnishing personal bonds to the satisfaction of 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, SC/ST Act, Sitamarhi in connection with Riga P.S. Case No. 180 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Arvind Srivastava, J)**

shailendra/-

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