

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1964 of 2021

Arising Out of PS. Case No.-200 Year-2020 Thana- ISUAPUR District- Saran

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1. RAKESH KUMAR RAI Son of Raghu Rai Resident of Village- Datra, P.S.- Isuapur, District- Saran at Chapra.
 2. Chandrama Rai Son of Phulena Rai Resident of Village- Datra, P.S.- Isuapur, District- Saran at Chapra.
 3. Randhir Rai Son of Brijnandan Rai Resident of Village- Datra, P.S.- Isuapur, District- Saran at Chapra.
 4. Pankaj Kumar Rai Son of Yadu Rai Resident of Village- Datra, P.S.- Isuapur, District- Saran at Chapra.
 5. Raj Kumar Rai Son of Vishun Rai Resident of Village- Datra, P.S.- Isuapur, District- Saran at Chapra.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Babita Devi W/o Munna Nut R/o Vill- Datra, P.S.- Isuapur, Distt- Saran at Chapra.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dewendra Narayan Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 15-02-2023 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

Learned counsel for the appellants is directed to
remove the defects, if any, within four weeks.

Notice was validly served upon the respondent no.2
but nobody appeared on his behalf.

This is an appeal under Section 14(a)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act), against the refusal of prayer of anticipatory bail vide order dated 21.01.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chhapra in connection with Isuapur P.S. Case No.200/2020, registered under Sections 341, 323, 354B, 504 and 34 of the Indian Penal Code and Section 3 (1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. There is admitted land dispute between the parties and police has served a notice to the appellant on the complaint filed by the husband of the informant. There is general and omnibus allegations levelled against the appellants. The occurrence took place on 06.09.2020 and FIR lodged on 01.12.2020. There is delay of about three months in filing of the present FIR and there is no any explanation of it which creates serious doubt about the prosecution case. Appellants have got no criminal antecedent as mentioned in para-3 of memo of appeal.

Learned Spl. PP for the State opposes the prayer for bail.

In the facts and circumstances of the case and the fact



that there is admitted land dispute between the parties, let 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 bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, Saran at Chhapra in connection with Isuapur P.S. Case No.200/2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

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

(Anjani Kumar Sharan, J)

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