

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1969 of 2021

Arising Out of PS. Case No.-39 Year-2019 Thana- MADHUBAN District- East Champaran

1. DAYAVANTI DEVI @ DAYAVATI DEVI Wife of Ruplal Ray Resident of Village - Jogalniya, P.S. Madhuban, District - East Champaran.
2. Munni Devi Wife of Yadolal Ray Resident of Village - Jogalniya, P.S. Madhuban, District - East Champaran.
3. Anil Ray Son of Yadolal Ray Resident of Village - Jogalniya, P.S. Madhuban, District - East Champaran.
4. Arvind Ray Son of Yadolal Ray Resident of Village - Jogalniya, P.S. Madhuban, District - East Champaran.
5. Pankaj Kumar Son of Ruplal Ray Resident of Village - Jogalniya, P.S. Madhuban, District - East Champaran.
6. Ruplal Ray Son of Late Devanand Ray Resident of Village - Jogalniya, P.S. Madhuban, District - East Champaran.
7. Yadolal Ray @ Jadolal Ray Son of Late Devanand Ray Resident of Village - Jogalniya, P.S. Madhuban, District - East Champaran.
8. Jailal Ray Son of Late Devanand Ray Resident of Village - Jogalniya, P.S. Madhuban, District - East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mina Devi Sri Madan Ram R/o Village-Jogauliya Tola Palat, P.S.-Madhuban District-East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Abhishek Kumar, Adv.
For the State	:	Mr. Binay Krishna, Spl.P.P.
For the Informant	:	Mr. Shashank Shekhar, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 04-05-2023 Learned counsel for the appellants are directed to remove the defect(s) as pointed out by the office.

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

This appeal has been preferred against the order dated



11.02.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, East Champaran at Motihari in A.B.P. No.522 of 2021 arising out of Madhuban P.S. Case No. 39 of 2019 registered under Sections 341, 323, 324, 379, 504, 506/34 of the Indian Penal Code and Sections 3(i)(r)(s) 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 dirty village politics. The entire allegations levelled against the appellants are false, fabricated and concocted. Further submission is that the appellants have got no criminal antecedent.

Learned Spl.P.P. for the State vehemently opposed the prayer for bail of the appellant nos. 5 and 7 by contending that there is direct allegation against them of assaulting the informant and her daughter-in-law by means of iron rod due to which informant sustained head injury and her daughter-in-law sustained fracture injury on her head. The injury reports also corroborate the same. Hence, they do not deserve the privilege of anticipatory bail.



Considering the aforesaid facts, let the appellants, namely, Dayavanti Devi @ Dayavati Devi, Munni Devi, Anil Ray, Arvind Ray, Ruplal Ray and Jailal Ray, 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 bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, East Champaran at Motihari in connection with Madhuban P.S. Case No. 39 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as appellant nos. 5 and 7, namely, Pankaj Kumar and Yadolal Ray @ Jadolal Ray are concerned, considering the direct allegation against them of assaulting the informant and her daughter by means of iron rod, this Court is not inclined to grant anticipatory bail to them. Accordingly, their prayer for bail is, hereby, rejected.

(Arvind Srivastava, J)

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