

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2163 of 2021**

Arising Out of PS. Case No.-503 Year-2020 Thana- CHAPRA MUFFASIL District- Saran

1. MALTI DEVI W/O LATE LALAN SAH RESIDENT OF SAUDHA NEWAJI TOLA, P.S.-MUFFASIL, DISTRICT-SARAN.
2. SONU KUMAR @ SONU KUMAR GUPTA S/O LATE LALAN SAH RESIDENT OF SAUDHA NEWAJI TOLA, P.S.-MUFFASIL, DISTRICT-SARAN.
3. RANJAN KUMAR S/O LATE LALAN SAH RESIDENT OF SAUDHA NEWAJI TOLA, P.S.-MUFFASIL, DISTRICT-SARAN.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. Uday Prashad Son of Late Baliram Prashad R/o Ramnagar Shiv Tola, P.S.- Chhapra Muffassil, Dist.- Sharan

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raj Kumar, Adv.
For the Respondent/s	:	Mr.Jitendra Narayan, SPP Mr. Raj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 04-05-2023 Heard learned counsel for the appellants, learned counsel for the respondent no. 2 and the learned S.P.P. for the State.

This appeal is directed against the order dated 09.02.2021 passed by the learned Additional Sessions Judge-I-cum-Special Judge SC/ST (POA) Act, Saran at Chapra by which the application of the appellants for pre-arrest bail has been rejected in connection with Chapra Muffasil P.S. Case No. 503 of 2020 registered under Sections 341, 323, 379, 427, 504, 506



and 34 of the Indian Penal Code and Section 3(1)(r)(s) of the SC/ST (POA) Act.

Learned counsel appearing on behalf of the appellants submits that the appellants are innocent and have falsely been implicated in the instant case. Further submission is that there is case and counter case between the parties. It is also submitted that the respondent no. 2 / informant is a tenant of the appellant and has lodged the case against the appellants as he did not want to pay the rent and also did not want the rent to be increased as contained in the *kirayanama* at Annexure-3. Appellants have no criminal antecedent.

Having considered the above facts and circumstances of the case, the order dated 09.02.2021 passed in Chapra Muffasil P.S. Case No. 503 of 2020 by the learned Additional Sessions Judge-I-cum-Special Judge SC/ST (POA) Act, Saran at Chapra is hereby set aside and the above named appellants are directed to be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing personal bond to the satisfaction of the learned court below in connection with Chapra Muffasil P.S. Case No. 503 of 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 the appeal stands allowed.

Learned counsel for the appellants is directed to remove the defects as pointed out by the office within a period of two weeks from today.

(Arvind Srivastava, J)

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