

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1691 of 2022

Arising Out of PS. Case No.-348 Year-2020 Thana- NAANPUR District- Sitamarhi

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1. NITISH KUMAR @ NITISH RAY S/O JAY KISHORE RAY @ JAY KISHOR Resident of Village - Dhadhi, Dharhi, P.S.- Nanpur, District - Sitamarhi.
 2. Rahul Kumar @ Rahul Ray S/o Shankar Ray Resident of Village - Dhadhi, Dharhi, P.S.- Nanpur, District - Sitamarhi.
 3. Gopal Thakur S/o Rakesh Thakur @ Tuntun Thakur Resident of Village - Dhadhi, Dharhi, P.S.- Nanpur, District - Sitamarhi.

... .. Appellant/s

Versus

1. The State of Bihar
2. Chhote Das Son of Late Saryug Das Resident of village-Sirsi,P.S- Nanpur,District-Sitamarhi

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pradeep Kumar Sinha
For the Respondent/s : Ms.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

6 27-04-2023 Despite valid service of notice on respondent no.2, he did not appear.

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

This appeal has been preferred against the order dated 27.11.2020 passed by learned 1st Additional Sessions Judge, Sitamarhi in A.B.P. No.1841 of 2020/210 of 2020 arising out of Nanpur (Sitamarhi) P.S. Case No.348 of 2020 registered under Sections 342, 323, 307, 504, 506 and 34 of the Indian Penal Code and Sections 3(i)(r)(s)(w) 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 this case. He further submits that it is a counter blast of Nanpur (Sitamarhi) P.S. Case No.276 of 2020 earlier filed by appellants' side against the son of the informant of this case, vide Annexure 2. The appellants have got no criminal antecedent.

Considering the facts and circumstances of the case as well as the submissions made by the parties, let the appellants, above named, 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 1st Additional Sessions Judge, Sitamarhi in A.B.P. No.1841 of 2020/210 of 2020 arising out of Nanpur (Sitamarhi) P.S. Case No.348 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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

(Arvind Srivastava, J)

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