

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2597 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- PIPRA District- East Champaran

1. MITHUN RAUT S/O BHAGELU RAUT Resident of Village- Dhekaha Kothi, P.S.- Pipra Kothi, District- East Champaran.
2. VISHAL RAUT S/O BHAGELU RAUT Resident of Village- Dhekaha Kothi, P.S.- Pipra Kothi, District- East Champaran.
3. SURAJ RATU S/O BHAGELU RAUT Resident of Village- Dhekaha Kothi, P.S.- Pipra Kothi, District- East Champaran.
4. KAJAL DEVI W/O SURAJ RAUT Resident of Village- Dhekaha Kothi, P.S.- Pipra Kothi, District- East Champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR
2. RANJAN KUMAR S/O BALRAM DAS Resident of village- Dhekaha Kothi , P.S.- Pipra Kothi, District- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Shankar Shrivastava
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 18-05-2023 Learned counsel for the appellants seeks permission
to withdraw this appeal with regard to appellant no.3 Suraj Raut.

Permission is accorded.

Accordingly, this appeal with regard to appellant no.3
Suraj Raut is dismissed as withdrawn.

Heard learned counsel for appellant nos.1, 2 and 4
and learned Special Public Prosecutor for the State.

This appeal has been preferred against the order dated
16.06.2022 passed by learned Special Judge, SC/ST Act, East



Champaran, Motihari in A.B.P. No.1192 of 2022 arising out of Pipra Kothi P.S. Case No.80 of 2022 registered under Sections 341, 323, 324, 307, 354B, 504, 506 and 34 of the Indian Penal Code and Section 3(1)(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 this case due to land dispute and previous enmity. There is only allegation of assault on Anuradha Devi against appellant no.4, who is a lady, but no injury has been found on the body of Anuradha Devi. The appellants have no criminal antecedent.

Learned Special Public Prosecutor for the State vehemently opposed the prayer for bail of the appellants stating that appellant no.1 is alleged to have inflicted *kudal* blow on the head of the informant causing head injury. Appellant no.2 and Suraj Raut (appellant no.3) are alleged to have assaulted the informant with *dabiyas* causing injury on the left hand and right side stomach of the informant. Therefore, they do not deserve anticipatory bail.

Considering the nature of allegations made against appellant nos.1 and 2, this Court is not inclined to grant bail to



appellant nos.1 and 2. Accordingly, their prayer for anticipatory bail is rejected.

Having considered the above facts and circumstances of the case as well as the submissions advanced on behalf of the parties, let appellant no.4 Kajal Devi, in the event of her 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 bond to the satisfaction of Special Judge, SC/ST Act, East Champaran, Motihari in A.B.P. No.1192 of 2022 arising out of Pipra Kothi P.S. Case No.80 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the impugned order with regard to appellant no.4 (Kajal Devi) is set aside and the appeal is disposed of.

(Arvind Srivastava, J)

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