

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3537 of 2022

Arising Out of PS. Case No.-181 Year-2022 Thana- PUPRI District- Sitamarhi

1. SHAMBHU RAI Son of Ramkishor Rai Resident of Village - Awapur Taram Tola, P.s.- Pupari, Distt.- Sitamarhi.
2. Santosh Rai Son of Ramkishore Rai Resident of Village - Awapur Taram Tola, P.s.- Pupari, Distt.- Sitamarhi.
3. Rahul Rai Son of Shambhu Rai Resident of Village - Awapur Taram Tola, P.s.- Pupari, Distt.- Sitamarhi.

... .. Appellant/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ranjeet Kumar Mishra
For the Respondent/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-01-2023 Heard learned counsel for the appellants and learned
Special P.P. for the State.

Despite information given by learned Special P.P. for the State regarding hearing of the case, none appears on behalf of the informant today.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as ‘the SC/ST Act’) against the refusal of prayer of anticipatory bail vide order dated 24.08.2022, passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST (POA) Act, Sitamarhi in connection



with Pupri P.S. Case No.181 of 2022, registered under Sections 341, 342, 323, 337 and 34 of the Indian Penal Code as well as Sections 3(i)(r)(s)(w)(i)/3(2)(Va) of the SC/ST Act.

The prosecution case, in brief, is that on 31.05.2022 the informant was returning from Awapur market after purchasing vegetables and as soon as he went to visit his orchard, all the appellants surrounded him and abused by naming his caste and told that the land which was purchased by his father be transferred to him otherwise they will kill him and they assaulted him by means of danda, lathi and fists and got him badly injured. The appellants tied him with a mango tree and Rahul Rai with intention to kill him tightened his neck by means of a rope. The informant became unconscious.

Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. It is submitted that the appellants have got no criminal antecedent as stated in paragraph-3 of the memo of appeal. It is further submitted that occurrence took place on 31.05.2022, but FIR was lodged on 13.06.2022 after delay of 12 days without giving any explanation which creates a serious doubt on the veracity of the prosecution case.

Learned Special P.P. for the State opposed the prayer



for anticipatory bail of the appellants.

Having considered the facts aforesaid, let appellants, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released 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 (POA) Act, Sitamarhi in connection with Pupri P.S. Case No.181 of 2022, subject to the conditions 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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