

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1302 of 2024

Arising Out of PS. Case No.-282 Year-2023 Thana- PAKRIDAYAL District- East Champaran

1. DINESH RAI @ VINESH KUMAR YADAV Son of Ramjanam Rai Resident of Village-Dumarbana, P.S.-Pakaridayal, District-East Champaran.
2. BIGU RAI Son of Ramjanam Rai Resident of Village-Dumarbana, P.S.-Pakaridayal, District-East Champaran.
3. RANJIT RAI Son of Ramjanam Rai Resident of Village-Dumarbana, P.S.-Pakaridayal, District-East Champaran.
4. AKASH RAI @ OMPRAKASH KUMAR Son of Yado Rai Resident of Village-Dumarbana, P.S.-Pakaridayal, District-East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. GEETA DEVI Wife of Late Hari Paswan Resident of Village-Dumarbana, Ward No.-9, P.S.-Pakaridayal, District-East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Abhishek Kumar
For the Respondent/s	:	Mrs.Usha Kumari 1
		Mr. Prateek Tandan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 03-10-2024 Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel appearing on behalf of Respondent No. 2.

2. This appeal has been filed against the order dated 21.02.2024 passed by learned Special Judge, SC/ST Act, Motihari in connection with Pakaridayal P.S. Case No. 282/2023, registered under Sections 307, 379, 354 & other allied sections of Indian Penal Code and Sections 3(i)(r)(s) of Scheduled Castes and Scheduled Tribes (Prevention of



Atrocities) Act (for short “SC/ST Act”), whereby the prayer for anticipatory bail of appellants has been rejected.

3. As per prosecution case, on the alleged date and time of occurrence, all the accused persons, named in the F.I.R., including these appellants and 5-6 unknown persons, variously armed, abused informant by her caste name and thereafter, brutally assaulted her and all family members. It is further alleged that co-accused Ramjanm Rai destroyed house of informant by tractor and set the house on fire.

4. Learned counsel for the appellants submits that all the allegations whatsoever levelled against appellants is out-and-out false and concocted. As a matter of fact, appellants are landlord of land in question, whereas informant and her family members have encroached the land and due to this reason, a simple *Maarpeet* took place between the parties, in which, both sides sustained injuries and in order to put pressure on the appellants’ side, informant has lodged this false case. He further submits that there is general and omnibus allegation against appellants and specific accusation of abuse and setting the house of informant on fire is against co-accused Ram Janm Rai.

5. However, Learned Spl. Public Prosecutor for the State and learned counsel for the respondent no. 2 vehemently



opposed the appeal. Learned counsel for respondent no. 2 submits that appellants are named in the F.I.R. with specific accusation of assault. Injuries, sustained by some of the injured, are grievous in nature. Besides this, as per paragraph 57 of the case diary, appellant no. 1 has got 11 criminal antecedents, appellant no. 2 has got 8 criminal antecedents and appellant no. 3 has got 6 criminal antecedents.

6. Considering the nature of accusation and criminal antecedents, the appeal, filed for grant of anticipatory bail to appellants, stands dismissed.

(Prabhat Kumar Singh, J)

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