

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1319 of 2024

Arising Out of PS. Case No.-452 Year-2023 Thana- CHIRAIYA District- East Champaran

1. Matuk Rai, S/o- Ramji Rai Village- Budhnar Ps- Chiraiya Dist- East Champaran
2. Subhash Rai, son of Late jatu Rai Village- Budhnar Ps- Chiraiya Dist- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Ajay Kumar Singh
For the Respondent/s	:	Mr.Sadanand Paswan
		Mr.Patanjali Rishi
		Mr.Akash Deep
		Mr.Kundan Kumar
		Ms.Perna Rishi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-05-2024 1. Heard the learned counsel for the appellants, learned counsel for the informant and the learned Special Public Prosecutor for the State.

2. The appellants have challenged the order dated 19.01.2024 passed by the learned Special Judge, SC/ST (P.O.A.) Act, East Champaran at Motihari in connection with Chiraiya P. S. Case No.452 of 2023, instituted for the offences under Sections 147, 148, 149, 323, 324, 307, 354, 379 and 504 of the Indian Penal Code and Section 3(i)(r)(s)(wi), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby their prayer for grant of anticipatory bail



has been rejected.

3. The learned counsel for the appellants submits that the appellants are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that specific allegation of assaulting the informant is against Ram Babu Rai and Shivam Ray is alleged to have snatched mangalsutra. It is further submitted that as far as these appellants are concerned, the allegation against them is general and omnibus in nature.

4. The learned Special P. P. along with learned counsel appearing on behalf of the informant opposes the appeal, but are not in a position to rebut the submission of the learned counsel for the appellants that no specific allegation is alleged against them.

5. Regard being had to the aforesaid submissions, the order dated 19.01.2024 is set-aside.

6. The appeal stands allowed.

7. The appellants, above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees



Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST (P.O.A.) Act, East Champaran at Motihari in connection with Chiraiya P. S. Case No.452 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

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