

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3334 of 2023

Arising Out of PS. Case No.-82 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

1. MILAN RAI @ MILAN KUMAR SON OF RAMCHANDRA RAI
2. GUDDU KUMAR @ AMIT KUMAR @ GUDDU RAI SON OF CHULHAI RAI
3. RAMCHANDRA RAI SON OF LATE FAGUDAAR RAI
4. JAGO DEVI @ JAGIYA DEVI WIFE OF RAMCHANDRA RAI
ALL RESIDENT OF VILLAGE - MITHANPURA, P.O. - BIKHANPURA,
P.S. - AHIYAPUR, DISTRICT - MUZAFFARPUR

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Santosh Kumar, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 30-07-2024 1. The learned counsel for the appellants at the outset seeks permission to withdraw the appeal with respect to appellant no.2 and 4.
2. Permission is accorded.
3. Accordingly, the anticipatory bail application is dismissed as withdrawn as against appellant no.2 and 4.
4. Heard learned counsel for the appellants, learned Special P.P. for the State. No one appears on behalf of the respondent no.2.
5. The appellants have challenged the order dated 26.06.2023 passed by the learned Additional District and



Sessions Judge, Ist -cum- Special Court of SC/ST (POA) Act, Muzaffarpur in connection with Ahiyapur P.S. Case No.82 of 2023 instituted for the offences under Sections 447, 341, 323, 324, 325, 326, 307, 504, 506 and 34 of the IPC and Section 3(1) (r)(s) of the SC & ST Act, whereby their prayer for grant of anticipatory bail has been rejected.

6. It is next submitted appellants are persons with clean antecedent and from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against them, it is also submitted that even presuming what has been alleged is true without admitting then the occurrence did not take place in public view, as such SC/ST is not attracted nor the FIR even remotely suggests that the occurrence was witnessed by any independent witness.

7. The Special P.P. opposes the appeal.

8. Regard being had to the aforesaid submissions, the order dated 26.06.2023 is set aside.

9. The appeal stands allowed.

10. The appellant no.1 and 3, in the event of their arrest or surrender before the learned court below within a period of six weeks, is directed to be released on bail on their furnishing bail bonds in the sum of Rs.5,000/-(Rupees Five



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Ist-cum-Special Court of SC/ST (POA) Act, Muzaffarpur in connection with Ahiyapur P.S. Case No.82 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Satyavrat Verma, J)

Prakash Narayan

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