

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4577 of 2023

Arising Out of PS. Case No.-373 Year-2023 Thana- RAXAUL District- East Champaran

1. ANIL GIRI @ ANIL RANJAN GOSWAMI SON OF LATE KAMESHWAR GIRI RESIDENT OF VILLAGE - SAHADEVA, P.S. - RAXAUL, DISTRICT - EAST CHAMPARAN
2. SUJIT KUMAR GIRI @ SUJEET GIRI SON OF LATE KAMESHWAR GIRI RESIDENT OF VILLAGE - SAHADEVA, P.S. - RAXAUL, DISTRICT - EAST CHAMPARAN
3. SUNIL KUMAR GIRI @ SUNIL GIRI SON OF LATE KAMESHWAR GIRI RESIDENT OF VILLAGE - SAHADEVA, P.S. - RAXAUL, DISTRICT - EAST CHAMPARAN
4. SUDEEP KUMAR GIRI @ SANDEEP GIRI SON OF LATE KAMESHWAR GIRI RESIDENT OF VILLAGE - SAHADEVA, P.S. - RAXAUL, DISTRICT - EAST CHAMPARAN

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. MANOJ RAM SON OF LATE JAMUNA RAM RESIDENT OF VILLAGE - SAHADEVA, P.S. - RAXAUL, DISTRICT - EAST CHAMPARAN

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Devi Das Srivastava, Advocate
For the Respondent/s : Mr. Binay Krishna, SPP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-05-2024 Despite valid service of notice nobody appears
on behalf of respondent No. 2.

2. This appeal has been filed for setting aside order dated 13.09.2023 , passed in a case registered for the offence punishable under sections 341 , 323 , 504 and 506 of the Indian Penal Code and sections 3 3(i)(r)(s)/ 3(2) (va) of the Scheduled Castes and Scheduled Tribes Act, whereby the



prayer for anticipatory bail of the appellants has been rejected.

3. As per the prosecution case, it is alleged that these appellants abused the informant and his family members and assaulted them and also threatened with dire consequences.

4. It is submitted on behalf of the appellants that they have falsely been implicated in this case only with a view to save their skin from Raxaul PS Case No. 371 of 2023 which was lodged by the Appellant No. 1 against respondent no. 2 and others. As a matter of fact, the respondents tried to grab the land of the appellants and when the appellants protested this false and concocted case has been lodged against them. A Civil Suit No. 448 of 2023 is already going on and is pending in between appellant no. 1 and informant. The proceeding u/s 144 of Cr. P. C, was is also initiated vide case No. 469 (M)/2022 in between appellants and informant which was dismissed after police report observing that civil suit is required. Further submission is that injuries allegedly caused by these appellants are simple in nature. It is not the case of the prosecution that any member of public was present at the time of incidence , as such, no case under SC/ST Act is made out. Appellants claim clean antecedent.

5. Counsel for the SPP oppose the prayer for bail.



6. Considering the aforesaid facts, this appeal is allowed with respect to this appellants only and the impugned order is set aside. Let the appellants, named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, SC/St Act, East Champaran , Motihari in connection with Raxaul Police Station Case No. 373 of 2023 .

(Prabhat Kumar Singh, J)

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