

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4742 of 2023

Arising Out of PS. Case No.-230 Year-2021 Thana- RIVILGANJ District- Saran

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1. Birendra Rai @ Virendra Yadav Son Of Bhajan Rai Resident Of Village- Semariya Nega Basti, Ps- Revilganj, Distt- Saran At Chapra
 2. Dhuran Rai Son Of Bhajan Rai Resident Of Village- Semariya Nega Basti, Ps- Revilganj, Distt- Saran At Chapra

... .. Appellant/s

Versus

1. The State of Bihar
2. Sugrim Manjhi Son Of Late Harimuni Manjhi Resident Of Village- Nayka Barka Baiju Tola, Ps- Revilganj, Distt- Saran At Chapra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajeev Kumar, Advocate
For the Respondent/s : Mr. Sadanand Paswan, Spl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 01-05-2025 Despite valid service of notice, none appears on behalf of the respondent No. 2.

2. Learned counsel for the appellants seeks permission to withdraw this anticipatory bail application with regard to appellant No. 2, namely, Dhuran Rai as during pendency of the case, he passed away on 28.12.2024.

3. Permission is granted.

4. This anticipatory bail application with regard to appellant No. 2 is, accordingly, dismissed as withdrawn.

5. Heard learned counsel for the appellants and the State.



6. This criminal appeal has been filed against the order dated 02.12.2022 passed by learned Additional Sessions Judge- 3rd, Saran in ABP No. 3333 of 2022 in connection with Rivilganj P.S. Case No. 230 of 2021, instituted under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 of the Indian Penal Code and Sections 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby the prayer for anticipatory bail of appellant No. 1 has been rejected.

7. As per prosecution case, son of the informant was in love with one Dulari Kumari, daughter of co-accused Bhajan Rai and informant suspects that due to the love affair, all the F.I.R. named accused persons including this appellant killed the son of informant and disappeared his dead body.

8. Learned counsel for the appellant submits that informant has only raised suspicion against these appellants. Informant is not an eye witness of the occurrence. Name of the appellant transpired during investigation on the confessional statement of co-accused Chhotak Rai. There is no allegation that this appellant abused informant by caste name as such, no offence under SC/ST Act is made out against appellant. Appellant claims clean antecedent.

9. Learned Spl. Public Prosecutor for the State opposed



the bail application.

10. Considering the nature of accusation and clean antecedent, let the appellant, as named above, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- 3rd, Saran in ABP No. 3333 of 2022 in connection with Rivilganj P.S. Case No. 230 of 2021.

11. Accordingly, this criminal appeal is allowed and impugned order dated 02.12.2022 is set aside with respect to appellant No. 1 only.

(Prabhat Kumar Singh, J)

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