

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.3173 of 2017**

Arising Out of PS.Case No. -171 Year- 2017 Thana -RAMNAGAR District-  
WESTCHAMPARAN(BETTIAH)

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1. Abhay Pandey son of Ramakant Pandey.
2. Kush Pandey, son of Gopal Pandey.
3. Manoj Sah, son of Late Baidh Nath Sah. all are resident of Village-  
Dainmarwa, Police Station- Ramnagar, District- West Champaran.

.... .... Appellant/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Sanjay Kumar No.-7

For the Respondent/s : Mr. Sri Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

3      05-12-2017                      The appellants have questioned the order dated 31.07.2017 passed by learned Additional District & Sessions Judge-1-cum-Special Judge, Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 171 of 2017 instituted for the offences under Sections 384, 506, 34 of the Indian Penal Code and Section 3(1)(x) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989, whereby their prayer for being released on anticipatory bail has been rejected.

From the F.I.R, it has been argued that no offence under anyone of the provisions of the SC & ST (Prevention of Atrocities) Act or under Sections 384, 506/34 of the



Indian Penal Code can at all be said to have been made out.

It has been alleged in the F.I.R that during a *Panchayati* with respect to payment of Rs. 45,000/-, the informant was abused by the appellants. The appellants are also alleged to have demanded protection money from the informant. But for the presence of the *Sarpanch*, it has been alleged by the informant, his life would not have been saved.

Learned counsel for the appellants has submitted that assuming every allegation in the F.I.R to be true, none of the offence alleged to have been committed can at all be said to have been made out against the appellants. It has also been submitted that they have been made accused in this false case because they were, in the past, not ready to support the false claim of the informant.

For the facts stated above, the order dated 31.07.2017 is set aside.

The appellants are directed to be released on bail in the event of their surrender before learned Court below within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional District & Sessions Judge-cum-Special Judge, West Champaran at



Bettiah in connection with Ramnagar P.S. Case No. 171 of 2017.

**(Ashutosh Kumar, J)**

Shageer/-

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