

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1613 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

- =====
1. Lalan Kumar Mishra @ Lalan Kumar son of late Nirekhan Mishra,
 2. Umakant Thakur son of Anant Thakur,
 3. Lalan Prasad son of late Lakshmi Mahto

.... Appellant/s

Versus

1. The State of Bihar
2. Chitranjan Ravidas son of late Chaitu Ravidas,

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Vinay Kumar Mishra, Advocate

For the Respondent/s : Mrs. Usha Kumari No.1, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 06.04.2018 passed by the learned Special Judge (S.C./S.T. Act)-cum-Additional Sessions Judge-V, Patna, in A.B.P. No.2031 of 2018, arising out of Special (Complaint) Case No.286 of 2017, registered under Sections 341/323/379 of the Indian Penal Code and Sections 3(i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation against the appellants is of demand of ransom from the complainant, who is Manager of Khadi Gramodhyog Sangh,



Danapur. On refusal to pay the ransom, the appellants allegedly abused the complainant by taking caste name and snatched the money.

Submission of the learned counsel for the appellants is that the complainant has admitted in his statement on solemn affirmation that the appellants are in the business of Khadi Gramodhyog. He further submits that one Ram Binod Chaubey was removed for alleged mismanagement in the Khadi Gramodhyog at the initiation of the appellants and Ram Binod Chaubey was having grudge. Therefore, the present complaint has been filed. There is no reasonable explanation of filing of complaint case after more than one month of the occurrence.

In my view, the complainant has suppressed the background of the allegation, which has been corroborated by the material brought on the record. Hence, appellants deserve protection.

Let the appellants, sabove named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the



appellants shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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