

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1507 of 2018

Arising Out of PS. Case No.-286 Year-2017 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Sunil Kumar, aged about 55 years, Son of Late Hari Shankar Prasad, Resident of Village- Vishunpur Patti, Police Station- Sahebganj, District- Muzaffarpur, Presently residing at in the Campus of Head Office, Patna Zila Khadi Gramodhyog Sangh, Muradpur, Patna- 800001.

... .. Appellant/s

Versus

1. The State of Bihar.
2. Chitranjan Ravidas, Son of Late Chaitu Ravidas, Resident of Village- Bhakhari, Police Station- Dhanarua, District- Patna, presently Residing at the Branch of Patna Zila Khadi Gramodhyog Sangh, Sadar Bazar, Danapur Cant, Police Station- Danapur, District- Patna.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Vinay Kumar Mishra
For the Respondent/s : Mr. Sadanand Paswan

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 07-09-2018

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 (hereinafter referred to as the “SC/ST Act”) 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.



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 appellant allegedly abused the complainant by taking caste name and snatched the money.

Submission of the learned counsel for the appellant is that the complainant has admitted in his statement on solemn affirmation that the appellant is 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 appellant 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, appellant deserves protection.

Let the appellant, above named, in the event of his 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 bond of Rs.20,000/- (Rupees Twenty



Thousand) 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 conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

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

(Birendra Kumar, J)

abhishek/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

