

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2574 of 2019

Arising Out of PS. Case No.-73 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. MADAN PRASAD S/o Late Sahdev Sah @ Sahdev Prasad R/o Dumariya Tola Ward No. 1, P.S.- Haraiya O.P., Raxaul, District- East Champaran.
 2. Pramod Kumar S/o Ramayodhya Sah R/o Kohbarwa, P.S.- Palanwa, District- East Champaran.
 3. Himanchal Patel @ Himachal Patel S/o Late Lakhan Patel R/o Gangapur, P.S.- Palanwa, District- East Champaran.

... .. Appellant/s

Versus

1. THE STATE OF BIHAR.
2. Kishore Baitha Son of Sri Sakal Baitha R/o Village- Naugarwa, P.S.- Sirisiya, O.P., District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bimlesh Kumar Pandey
For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 02-08-2019 Heard learned counsel for the appellants and learned
Special Public Prosecutor for the State.

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 31.5.2019 passed by learned 1st Additional Sessions Judge-cum- Special Judge, Bettiah, West Champaran in connection with Tr. No. 453/2018 (arising out of Complainant



Case No. 73 of 2018), in which cognizance has been taken U/s 323, 341, 386 of the Indian Penal Code and also under Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

While complainant was regressing to his home along with witness Prahalad prasad, appellants intercepted them at the railway crossing and snatched Rs. 2000/- from the complainant and Rs. 1300/- from his companion on the point of knife slating him in the name of his caste. Complainant came to know the name of aforesaid accused from the locals.

It is submitted by the learned counsel for the appellant that no such occurrence as alleged ever took place. As a matter of fact, appellants happen to be businessmen and in course of business they send their goods through parcel by the railways and one Birendra Kumar Singh who is employee of railways demanded graft from the appellants to facilitate the smooth sending of the parcel but the appellants did not cough up the said demand. Regarding the said incident appellant Madan Prasad lodged Raxaul P.S. Case No. 205 of 2015 against said Birendra Kumar and others and he also filed representation before the Divisional Manager of the Central Railway Hajipur and the said Birendra Kumar setting the complainant got lodged



this false and frivolous case against the appellants. The occurrence is said to have taken place on railway crossing Raxaul, under district East Champaran but the aforesaid complaint has been lodged in the district West Champaran beyond territorial jurisdiction. Moreover, the allegation levelled against the appellants is not specific rather general and omnibus in nature. More so, the identity and genuineness of the source of information of the name of the appellants in the occurrence has not been disclosed in the complaint petition. Appellants have no criminal antecedent. Hence appellants may be enlarged on bail.

On the other hand, learned Spl. P.P. for the State and learned counsel appearing on behalf of the informant opposing the prayer for bail submitted that cognizance has already been taken against the appellants, hence appellants do not deserve bail.

In the facts and circumstances of the case, the above named appellants are directed to be enlarged on bail in the event of their arrest or surrender before the learned Court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st



Additional Sessions Judge-cum-Special Judge, SC/ST (POA)
Act, Bettiah, West Champaran in connection with Tr. No. 453 of
2018 (arising out of Complaint Case No. 73 of 2018), subject to
condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

T.Kr./-

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