

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2792 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- SC/ST District- Araria

-
1. RAKESH KUMAR Son of Sri Panchanand Biswas Resident of Village- Kusiargaon, P.S. and District- Araria.
 2. Akhilesh Kumar@Akhilesh Kumar Biswas Son of Sri Panchanand Biswas Resident of Village- Kusiargaon, P.S. and District- Araria.

... .. Appellants.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Nishant Kumar Sinha
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 05-09-2019 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 in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 11.06.2019 passed by learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with Special SC/ST P.S. Case No.58 of 2019, arising out of Araria SC/ST P.S. Case No. 35 of 2019 registered under Sections 341, 323, 379, 384, 504 & 506/34 of the Indian Penal Code and Section 3(1) (r) of the Scheduled Castes and Scheduled Tribes



(Prevention of Atrocities) Act.

While the informant was sitting on the garage of Shankar Rishideo, appellants along with 4-5 unknown miscreants arriving there surrounded him and slated him in the name of caste and demanded extortion money of Rs.50,000.00 per month and on protest made by the informant they assaulted him by means of leg and fist and when his brother rushed in his rescue they also assaulted him and snatched his golden chain and cash of Rs.16,000.00.

It is submitted by learned counsel for the appellants that they have no concern with the aforesaid occurrence. They have been falsely implicated in this case merely because there was agreement between Ranjit Sharma and informant Doman Rishideo regarding construction of the house of the informant by the said Ranjit Sharma and on not payment of due wages of the aforesaid Ranjit Sharma by the informant he gave notice to him and as the appellants were witnesses of the said agreement the informant has falsely implicated them in the case. The allegation levelled against the appellants is not specific rather general and omnibus in nature. The allegation of theft is super addition. Appellants have no criminal antecedent.



Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellants, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Araria in connection with Special SC/ST P.S. Case No.58 of 2019, arising out of Araria SC/ST P.S. Case No. 35 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

